

Bill No. SB 132

Barcode 585614    Comm: RCS    03/29/2006 10:43 AM

578-1830B-06

Proposed Committee Substitute by the Committee on Community  
Affairs

1                                    A bill to be entitled

2                    An act relating to affordable housing; creating

3                    ss. 125.379 and 166.0451, F.S, relating to

4                    counties and municipalities, respectively;

5                    requiring county and municipal staff to prepare

6                    an inventory list of all real property to which

7                    the county or municipality holds fee simple

8                    title by a specified date and triennially

9                    thereafter; requiring planning staff to

10                  identify real property that is appropriate for

11                  use as affordable housing; specifying a time

12                  period for completion of the inventory and

13                  identification of surplus real property;

14                  requiring public hearings; requiring the county

15                  or municipality to approve the inventory list;

16                  specifying a time for the first public hearing

17                  and adoption of the resolution; requiring that

18                  the properties identified as appropriate for

19                  use as affordable housing to become immediately

20                  available; prescribing the options the county

21                  or municipality have to dispose of the surplus

22                  lands for affordable housing; providing

23                  requirements for certain deed restrictions;

24                  providing definitions; amending s. 163.3180,

25                  F.S.; exempting certain manufactured housing

26                  developments from concurrency requirements;

27                  providing a statement of important state

28                  interest; amending s. 189.4155, F.S.;

29                  authorizing a special district to provide

30                  housing and housing assistance for employees;

31                  amending s. 191.006, F.S.; authorizing an

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1 independent special district to provide housing  
2 and housing assistance for its employees;  
3 creating s. 196.1981, F.S.; providing that the  
4 actual rental income from certain  
5 rent-restricted units be recognized by property  
6 appraisers as the rents for assessment  
7 purposes; amending s. 197.252, F.S.; decreasing  
8 the age and increasing the income threshold  
9 required for eligibility to defer ad valorem  
10 property taxes; decreasing the maximum interest  
11 rate that may be charged on deferred ad valorem  
12 taxes; amending s. 201.15, F.S.; revising the  
13 distributions of portions of the excise tax on  
14 documents to the State Housing Trust Fund for  
15 purposes of preserving the rights of holders of  
16 affordable housing guarantees; amending s.  
17 215.619, F.S.; revising certain provisions  
18 relating to Everglades restoration bonds;  
19 amending s. 220.183, F.S.; providing separate  
20 annual limitations for tax credits against the  
21 corporate income tax for donations made to  
22 eligible sponsors for projects that provide  
23 homeownership opportunities for certain  
24 households and for donations made to eligible  
25 sponsors for all other projects; eliminating  
26 the requirement that the Office of Tourism,  
27 Trade, and Economic Development reserve  
28 portions of certain annual tax credits for  
29 donations made to eligible sponsors for  
30 projects that provide homeownership  
31 opportunities for certain households; amending

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1 s. 253.034, F.S.; authorizing a local  
2 government to request that state lands be  
3 declared surplus lands in order to provide  
4 affordable housing; providing options for  
5 disposing of surplus state lands that are used  
6 for affordable housing; deleting obsolete  
7 provisions; amending s. 295.16, F.S.; expanding  
8 an exemption from certain fees relating to  
9 structural improvements to a disabled veteran's  
10 residence; amending s. 380.06, F.S.; revising  
11 the criteria under which a proposed change to  
12 the development constitutes a substantial  
13 deviation; amending s. 380.0651, F.S.; revising  
14 the statewide guidelines for developments of  
15 regional impact to review certain types of  
16 developments; amending s. 420.0004, F.S.;  
17 defining the term "extremely-low-income  
18 persons"; amending s. 420.503, F.S.; redefining  
19 the term "farmworker" for purposes of the use  
20 of certain federal funds by the Florida Housing  
21 Finance Corporation; amending s. 420.507, F.S.;  
22 revising certain loan and interest rate  
23 provisions relating to the State Apartment  
24 Incentive Loan Program; authorizing the use of  
25 loans issued under the Florida Homeownership  
26 Assistance Program for property acquisition;  
27 authorizing the Florida Housing Finance  
28 Corporation to establish subsidiary business  
29 entities for specified purposes; authorizing  
30 the Florida Housing Finance Corporation to  
31 adopt rules allowing the corporation to take

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1 action to avoid default of program loans;  
2 authorizing the Florida Housing Finance  
3 Corporation to adopt rules requiring the  
4 reporting of certain data concerning housing  
5 financed through corporation programs;  
6 authorizing the Florida Housing Finance  
7 Corporation to administer certain funds  
8 appropriated for disaster recovery; amending s.  
9 420.5087, F.S.; revising the population  
10 thresholds for the categories used to allocate  
11 funds to counties under the State Apartment  
12 Incentive Loan Program; reducing the percentage  
13 of the loan amount which the sponsor of a  
14 housing community for the elderly must commit  
15 to match in order to receive the loan under the  
16 State Apartment Incentive Loan Program;  
17 providing that certain loans made under the  
18 State Apartment Incentive Loan Program may be  
19 made coterminous with other liens that have  
20 terms in excess of 15 years; authorizing the  
21 Florida Housing Finance Corporation to waive  
22 certain requirements for projects that serve  
23 extremely-low-income families; deleting certain  
24 obsolete provisions; providing for the  
25 inclusion of housing units for  
26 extremely-low-income families as a criterion in  
27 the competitive application process; clarifying  
28 the Florida Housing Finance Corporation's  
29 authority regarding the sale, transfer, or  
30 refinancing of certain projects; amending s.  
31 420.5088, F.S.; providing that the

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1 Homeownership Assistance Program may assist  
2 moderate-income persons in purchasing a home;  
3 increasing the income limit served by the  
4 Homeownership Assistance Program; increasing  
5 the limit on loan amounts for homes purchased  
6 through the Homeownership Assistance Program;  
7 increasing the percentage of the state or local  
8 median income below which personal or family  
9 income must fall in order to purchase a home  
10 under the Florida Homeownership Assistance  
11 Program; deleting a provision requiring the  
12 reservation of certain housing funds for a  
13 period of 9 months; amending s. 420.9075, F.S.;  
14 providing for calculating the average area  
15 purchase price for eligible housing under the  
16 State Housing Initiatives Partnership Act in  
17 the manner established by the United States  
18 Department of the Treasury; creating s.  
19 420.9077, F.S.; creating the Community Housing  
20 Innovation Program within the State Housing  
21 Initiatives Program; providing legislative  
22 findings; requiring the program to provide  
23 funds for the housing needs of specified  
24 entities; providing certain incentives for  
25 program applicants; providing for funding and  
26 conditions for funding; requiring the Florida  
27 Housing Finance Corporation to establish  
28 selection criteria for applicants; providing  
29 that funding for the Community Housing  
30 Innovation Program is separate from the  
31 appropriation for the provisions of ss.

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1 420.907-420.9078, F.S.; providing an expiration  
2 date; amending s. 420.9079, F.S.; authorizing  
3 the Florida Housing Finance Corporation to  
4 request certain funds for compliance  
5 monitoring; amending s. 624.5105, F.S.;  
6 providing separate annual limitations for tax  
7 credits against the insurance premium tax for  
8 donations made to eligible sponsors for  
9 projects that provide homeownership  
10 opportunities for certain households and for  
11 donations made to eligible sponsors for all  
12 other projects; eliminating the requirement  
13 that the Office of Tourism, Trade, and Economic  
14 Development reserve portions of certain annual  
15 tax credits for donations made to eligible  
16 sponsors for projects that provide  
17 homeownership opportunities for certain  
18 households; amending s. 1001.42, F.S.;  
19 authorizing school district boards to provide  
20 affordable housing for certain teachers and  
21 other instructional personnel; directing the  
22 Department of Community Affairs to develop a  
23 model residential density bonus ordinance for  
24 use by local governments; providing an  
25 appropriation to local governments to implement  
26 the programs established in the act;  
27 authorizing the Florida Housing Finance  
28 Corporation to adopt emergency rules;  
29 reenacting ss. 161.05301(1), 161.091(3),  
30 370.0603(3), 420.5092(5) and (6), 420.9073,  
31 1013.64(7), and 1013.738(4), F.S., relating to

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1 beach erosion control projects, beach  
2 management funding, the Marine Resources  
3 Conservation Trust Fund, the Florida Affordable  
4 Housing Guarantee Program, distributions for  
5 local housing programs, comprehensive  
6 educational plant needs, and a high growth  
7 grant program, respectively, to incorporate the  
8 amendments made to s. 201.15, F.S., in a  
9 reference thereto; reenacting s. 420.530(1),  
10 F.S., relating to the state farmworker housing  
11 pilot loan program, to incorporate the  
12 amendments made to s. 402.503, F.S., in a  
13 reference thereto; reenacting ss. 163.31771(2)  
14 and 196.1978, F.S., relating to accessory  
15 dwelling units and affordable housing property  
16 tax exemption, to incorporate the amendments  
17 made to s. 402.0004, F.S., in references  
18 thereto; amending s. 212.08, F.S.; providing  
19 separate annual limitations for tax credits  
20 against the sales and use tax for donations  
21 made to eligible sponsors for projects that  
22 provides homeownership opportunities for  
23 certain households and for donations made to  
24 eligible sponsors for all other projects;  
25 eliminating the requirement that the Office of  
26 Tourism, Trade, and Economic Development  
27 reserve portions of certain annual tax credits  
28 for donations made to eligible sponsors for  
29 projects that provide homeownership  
30 opportunities for certain households;  
31 reenacting s. 420.503(19), F.S., relating to

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1 defining terms for the Florida Housing Finance  
2 Corporation, to incorporate the amendments made  
3 to s. 420.5087, F.S., in a reference thereto;  
4 reenacting s. 420.5061, F.S., relating to the  
5 transfer of assets and liabilities to the  
6 Florida Housing Finance Corporation, to  
7 incorporate the amendments made to s. 420.5088,  
8 F.S., in a reference thereto; reenacting s.  
9 420.9071(25), F.S., relating to definitions  
10 pertaining to the state housing initiatives  
11 partnership, to incorporate the amendments made  
12 to s. 420.9075, F.S., in a reference thereto;  
13 reenacting s. 723.061(3), F.S., relating to  
14 grounds for eviction from a mobile home park,  
15 to incorporate the amendments made to s.  
16 723.083, F.S., in a reference thereto;  
17 repealing ss. 420.37 and 420.530, F.S.,  
18 relating to certain powers of the Florida  
19 Housing Finance Corporation and the state  
20 farmworker pilot loan program, respectively;  
21 amending s. 723.083, F.S.; providing that  
22 mobile homes are a permittable use in certain  
23 land use categories under specified  
24 circumstances; creating the Home Retrofit  
25 Hardening Program; authorizing the Florida  
26 Housing Finance Corporation to supply grants in  
27 order to fund improvements to homes constructed  
28 before the implementation of the current  
29 Florida Building Code when the improvements  
30 will directly affect the ability of the home to  
31 withstand hurricane force winds and improve the



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1 home's rating for home insurance; providing  
2 criteria for eligibility of grants;  
3 authorizing the corporation to provide funds  
4 for eligible entities for affordable housing  
5 recovery in those counties that were declared  
6 eligible for disaster funding after the  
7 hurricanes of 2004 and 2005 and that sustained  
8 housing damage due to those storms; authorizing  
9 the corporation to adopt emergency rules;  
10 providing effective dates.

11

12 Be It Enacted by the Legislature of the State of Florida:

13

14 Section 1. Section 125.379, Florida Statutes, is  
15 created to read:

16 125.379 Disposition of county property for affordable  
17 housing.--

18 (1) By January 1, 2007, and every 3 years thereafter,  
19 each county shall prepare an inventory list of all real  
20 property within its jurisdiction to which the county holds fee  
21 simple title, excluding lands designated for natural resource  
22 conservation. The inventory list must include the address and  
23 tax identification number of each real property and specify  
24 whether the property is vacant or improved. County planning  
25 staff shall review the inventory list and identify each  
26 property that is appropriate for use as affordable housing.  
27 The time for preparing the inventory list and its review by  
28 county planning staff may not exceed 6 months. The properties  
29 identified as appropriate for use as affordable housing may be  
30 offered for sale and the proceeds used to purchase land for  
31 the development of affordable housing or donated to the local

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1 housing assistance trust fund pursuant to s. 420.9075(5), sold  
2 with a restriction that requires any development on the  
3 property to include a specified percentage of permanently  
4 affordable housing, or donated to a nonprofit housing  
5 organization for the construction of permanently affordable  
6 housing.

7 (2) After completing an inventory list, the board of  
8 county commissioners shall hold at least two public hearings  
9 to discuss the inventory list and staff's recommendation  
10 concerning which properties are appropriate for use as  
11 affordable housing. The board shall comply with the provisions  
12 of s. 125.66(4)(b)1. regarding the advertisement of the public  
13 hearings and shall hold the first hearing no later than 30  
14 days after completing the inventory list. The board shall  
15 approve the inventory list through the adoption of a  
16 resolution at the second hearing no later than 6 months after  
17 completing the inventory list.

18 (3) Notwithstanding s. 125.35, after the inventory  
19 list has been approved by resolution, the board of county  
20 commissioners shall immediately make available any real  
21 property that has been identified in the inventory list as  
22 appropriate for use as affordable housing. The county shall  
23 make the surplus real property available to:

24 (a) A private developer if the purchase price paid by  
25 the developer is not less than the appraised value of the  
26 property based on its highest and best use and the real  
27 property is sold with deed restrictions that require a  
28 specified percentage of any project developed on the real  
29 property to provide affordable housing for low-income and  
30 moderate-income persons, with a minimum of 10 percent of the  
31 units in the project available for low-income persons and

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1 another 10 percent of the units for moderate-income persons  
2 for a total minimum of 20 percent, or, if providing rental  
3 housing or a combination of rental housing and homeownership,  
4 an additional 5 percent of the units for very-low-income  
5 persons for a total minimum of 25 percent;

6 (b) A private developer without any requirement that a  
7 percentage of the units built on the real property be  
8 affordable if the purchase price paid by the developer is not  
9 less than the appraised value of the property based on its  
10 highest and best use, in which case the county must use the  
11 funds received from the developer to acquire real property on  
12 which affordable housing will be built or donate the funds to  
13 the local housing assistance trust fund pursuant to s.  
14 420.9075(5) for the purpose of implementing the programs  
15 described in ss. 420.907-420.9079; or

16 (c) A nonprofit housing organization, such as a  
17 community land trust, housing authority, or community  
18 redevelopment agency to be used for the production and  
19 preservation of permanently affordable housing.

20 (4) The deed restrictions required under paragraph  
21 (3)(a) for an affordable housing unit must also prohibit the  
22 unit from being sold at a price that exceeds the threshold for  
23 housing that is affordable for low-income or moderate-income  
24 persons or to a buyer who is not eligible due to his or her  
25 income under chapter 420. The deed restrictions may allow the  
26 affordable housing units created under paragraph (3)(a) to be  
27 rented to extremely-low-income, very-low-income, low-income,  
28 or moderate-income persons.

29 (5) For purposes of this section, the terms  
30 "affordable," "extremely-low-income persons," "low-income  
31 persons," "moderate-income persons," and "very-low-income

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1 persons" have the same meaning as in s. 420.0004.

2           Section 2. Section 166.0451, Florida Statutes, is  
3 created to read:

4           166.0451 Disposition of municipal property for  
5 affordable housing.--

6           (1) By January 1, 2007, and every 3 years thereafter,  
7 each municipality shall prepare an inventory list of all real  
8 property within its jurisdiction to which the municipality  
9 holds fee simple title, excluding lands designated for natural  
10 resource conservation. The inventory list must include the  
11 address and tax identification number of each property and  
12 specify whether the property is vacant or improved. Municipal  
13 planning staff shall review the inventory list and identify  
14 each real property that is appropriate for use as affordable  
15 housing. The time for preparing the inventory list and its  
16 review by municipal planning staff may not exceed 6 months.  
17 The properties identified as appropriate for use as affordable  
18 housing may be offered for sale and the proceeds used to  
19 purchase land for the development of affordable housing or  
20 donated to the Local Government Housing Trust Fund, sold with  
21 a restriction that requires any development on the property to  
22 include a specified percentage of permanently affordable  
23 housing, or donated to a nonprofit housing organization for  
24 the construction of permanently affordable housing.

25           (2) Upon completing an inventory list in compliance  
26 with this section, the governing body of the municipality  
27 shall hold at least two public hearings to discuss the  
28 inventory list and the recommendation of the staff concerning  
29 which properties are appropriate for use as affordable  
30 housing. The governing body shall comply with s.  
31 166.041(3)(c)2.a. regarding the advertisement of the public

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1 hearings and shall hold the first hearing no later than 30  
2 days after completing the inventory list. The governing body  
3 shall approve the inventory list through the adoption of a  
4 resolution at the second hearing no later than 6 months after  
5 completing the inventory list.

6 (3) After the inventory list has been approved by  
7 resolution, the governing body of the municipality shall  
8 immediately make available any real property that has been  
9 identified in the inventory list as appropriate for use as  
10 affordable housing. The municipality shall make the surplus  
11 real property available to:

12 (a) A private developer if the purchase price paid by  
13 the developer is not less than the appraised value of the  
14 property based on its highest and best use and the real  
15 property is sold with deed restrictions that require a  
16 specified percentage of any project developed on the real  
17 property to provide affordable housing for low-income and  
18 moderate-income persons, with a minimum of 10 percent of the  
19 units in the project available for low-income persons and  
20 another 10 percent of the units for moderate-income persons  
21 for a total minimum of 20 percent, or, if providing rental  
22 housing or a combination of rental housing and homeownership,  
23 an additional 5 percent of the units for very-low-income  
24 persons for a total minimum of 25 percent;

25 (b) A private developer without any requirement that a  
26 percentage of the units built on the real property be  
27 affordable if the purchase price paid by the developer is not  
28 less than the appraised value of the property based on its  
29 highest and best use, in which case the municipality must use  
30 the funds received from the developer to acquire real property  
31 on which affordable housing will be built or donate the funds

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to the Local Government Housing Trust Fund for the purpose of  
implementing the programs described in ss. 420.907-420.9079;  
or

(c) A nonprofit housing organization, such as a  
community land trust, housing authority, or community  
redevelopment agency to be used for the production and  
preservation of permanently affordable housing.

(4) The deed restrictions required under paragraph  
(3)(a) for an affordable housing unit must also prohibit the  
unit from being sold at a price that exceeds the threshold for  
housing that is affordable for low-income or moderate-income  
persons or to a buyer who is not eligible due to his or her  
income under chapter 420. The deed restrictions may allow the  
affordable housing units created under paragraph (3)(a) to be  
rented to very-low-income, low-income, or moderate-income  
persons.

(5) For purposes of this section, the terms  
"affordable," "low-income persons," "moderate-income persons,"  
and "very-low-income persons" have the same meaning as in s.  
420.0004.

Section 3. Paragraph (h) is added to subsection (5) of  
 section 163.3180, Florida Statutes, to read:

163.3180 Concurrency.--

(5)

(h) If a proposed manufactured housing development is  
located in an area designated as agriculture, rural lands, or  
a similar land use classification, and uses self-contained  
water and wastewater facilities and services, the requirements  
for transportation concurrency set forth in paragraph (2)(c)  
are waived.

Section 4. The Legislature finds that providing

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1 affordable housing is vitally important to the health, safety,  
2 and welfare of the residents of this state. Furthermore, the  
3 Legislature finds that escalating property values and  
4 development costs have contributed to the inadequate supply of  
5 housing for low- and moderate-income residents of this state.  
6 The Legislature further finds that there is a shortage of  
7 sites available for housing for persons and families with low  
8 and moderate incomes and that surplus government land, when  
9 appropriate, should be made available for that purpose.  
10 Therefore, the Legislature determines and declares that this  
11 act fulfills an important state interest.

12       Section 5. Subsection (6) is added to section  
13 189.4155, Florida Statutes, to read:

14       189.4155 Activities of special districts; local  
15 government comprehensive planning.--

16       (6) Any independent district created under a special  
17 act or general law, including, but not limited to, chapter  
18 189, chapter 190, chapter 191, or chapter 298, for the purpose  
19 of providing urban infrastructure of services may provide  
20 housing and housing assistance for its employed personnel.

21       Section 6. Subsection (19) is added to section  
22 191.006, Florida Statutes, to read:

23       191.006 General powers.--The district shall have, and  
24 the board may exercise by majority vote, the following powers:

25       (19) To provide housing or housing assistance for its  
26 employed personnel.

27       Section 7. Section 196.1981, Florida Statutes, is  
28 created to read:

29       196.1981 Affordable housing property exemption.--For  
30 the purpose of assessing just valuation of affordable housing  
31 properties used by persons having income limits defined as

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1 low, moderate, and very low, as specified in s. 420.0004(9),  
 2 (10), (11), and (15), the actual rental income from  
 3 rent-restricted units in such a property shall be recognized  
 4 by the property appraiser for assessment purposes, and an  
 5 income approach shall be used for assessing the rents of the  
 6 following properties:

7 (1) Property that is funded by the United States  
 8 Department of Housing and Urban Development under s. 8 of the  
 9 United States Housing Act of 1937, which is used to provide  
 10 affordable housing serving eligible persons as defined by s.  
 11 159.603(7) and elderly and very-low-income persons as defined  
 12 by s. 420.0004(7) and (14), and which has undergone financial  
 13 restructuring as provided in s. 501, Title V, Subtitle A of  
 14 the Multifamily Assisted Housing Reform and Affordability Act  
 15 of 1997.

16 (2) Rental properties for multifamilies, farmworkers,  
 17 or elderly persons which are funded by the Florida Housing  
 18 Finance Corporation under ss. 420.5087 and 420.5089 and the  
 19 State Housing Incentives Partnership Program under ss.  
 20 420.9072 and 420.9075.

21 Section 8. Paragraph (b) of subsection (2) and  
 22 subsection (4) of section 197.252, Florida Statutes, are  
 23 amended to read:

24 197.252 Homestead tax deferral.--

25 (2)

26 (b) If ~~In the event~~ the applicant is entitled to claim  
 27 the increased exemption by reason of age and residency as  
 28 provided in s. 196.031(3)(a), approval of the ~~such~~ application  
 29 shall defer that portion of the ~~such~~ ad valorem taxes plus  
 30 non-ad valorem assessments which exceeds 3 percent of the  
 31 applicant's household ~~household's~~ income for the prior



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1 calendar year. If any ~~such~~ applicant's household income for  
2 the prior calendar year is less than \$10,000, or is less than  
3 the amount of the household income designated for the  
4 additional homestead exemption pursuant to s. 196.075, and the  
5 ~~\$12,000 if such~~ applicant is 65 ~~70~~ years of age or older,  
6 approval of the ~~such~~ application shall defer the ~~such~~ ad  
7 valorem taxes plus non-ad valorem assessments in their  
8 entirety.

9 (4) The amount of taxes, non-ad valorem assessments,  
10 and interest deferred under ~~pursuant to~~ this act shall accrue  
11 interest at a rate equal to the semiannually compounded rate  
12 of one-half of 1 percent plus the average yield to maturity of  
13 the long-term fixed-income portion of the Florida Retirement  
14 System investments as of the end of the quarter preceding the  
15 date of the sale of the deferred payment tax certificates;  
16 however, the interest rate may not exceed 7 ~~9.5~~ percent.

17 Section 9. Paragraphs (b) and (d) of subsection (1)  
18 and subsection (11) of section 201.15, Florida Statutes, are  
19 amended to read:

20 201.15 Distribution of taxes collected.--All taxes  
21 collected under this chapter shall be distributed as follows  
22 and shall be subject to the service charge imposed in s.  
23 215.20(1), except that such service charge shall not be levied  
24 against any portion of taxes pledged to debt service on bonds  
25 to the extent that the amount of the service charge is  
26 required to pay any amounts relating to the bonds:

27 (1) Sixty-two and sixty-three hundredths percent of  
28 the remaining taxes collected under this chapter shall be used  
29 for the following purposes:

30 (b) Moneys ~~The remainder of the moneys distributed~~  
31 ~~under this subsection, after the required payment under~~

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1 ~~paragraph (a)~~, shall be paid into the State Treasury to the  
 2 credit of the Save Our Everglades Trust Fund in amounts  
 3 necessary to pay debt service, provide reserves, and pay  
 4 rebate obligations and other amounts due with respect to bonds  
 5 issued under s. 215.619. Taxes distributable under paragraph  
 6 (a) and this paragraph must be collectively distributed on a  
 7 pro rata basis.

8 (d) The remainder of the moneys distributed under this  
 9 subsection, after the required payments under paragraphs (a),  
 10 (b), and (c), shall be paid into the State Treasury to the  
 11 credit of:

12 1. The State Transportation Trust Fund in the  
 13 Department of Transportation in the amount of \$542 ~~\$541.75~~  
 14 million in each fiscal year, to be paid in quarterly  
 15 installments and used for the following specified purposes,  
 16 notwithstanding any other law to the contrary:

17 a. For the purposes of capital funding for the New  
 18 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309  
 19 and specified in s. 341.051, 10 percent of these funds;

20 b. For the purposes of the Small County Outreach  
 21 Program specified in s. 339.2818, 5 percent of these funds;

22 c. For the purposes of the Strategic Intermodal System  
 23 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75  
 24 percent of these funds after allocating for the New Starts  
 25 Transit Program described in sub-subparagraph a. and the Small  
 26 County Outreach Program described in sub-subparagraph b.; and

27 d. For the purposes of the Transportation Regional  
 28 Incentive Program specified in s. 339.2819, 25 percent of  
 29 these funds after allocating for the New Starts Transit  
 30 Program described in sub-subparagraph a. and the Small County  
 31 Outreach Program described in sub-subparagraph b.

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2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of \$100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of ~~\$104,130,000~~ ~~\$105 million~~ in each fiscal year, to be paid in monthly installments ~~with \$75 million used~~ to fund the Classrooms for Kids Program created in s. 1013.735, ~~and \$30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738~~. If required, new facilities constructed under the Classrooms for Kids Program must meet the requirements of s. 1013.372.

4. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of ~~\$3.87~~ ~~\$3.25~~ million in each fiscal year to be paid in monthly installments, with \$3 million to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and ~~\$870,000~~ ~~\$250,000~~ to be used to fund the Century Commission established in s. 163.3247.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(11) From the moneys specified in paragraphs ~~(1)(d)~~ (1)(e) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each

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fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

Section 10. Effective July 1, 2007, subsections (1), (9), (10), (11), (15), (17), and (18) of section 201.15, Florida Statutes, as amended by section 1 of chapter 2005-92, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in

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1 fiscal year 2000-2001 and thereafter for Florida Forever  
2 bonds. The annual amount transferred to the Land Acquisition  
3 Trust Fund for Florida Forever bonds shall not exceed \$30  
4 million in the first fiscal year in which bonds are issued.  
5 The limitation on the amount transferred shall be increased by  
6 an additional \$30 million in each subsequent fiscal year, but  
7 shall not exceed a total of \$300 million in any fiscal year  
8 for all bonds issued. It is the intent of the Legislature that  
9 all bonds issued to fund the Florida Forever Act be retired by  
10 December 31, 2030. Except for bonds issued to refund  
11 previously issued bonds, no series of bonds may be issued  
12 pursuant to this paragraph unless such bonds are approved and  
13 the debt service for the remainder of the fiscal year in which  
14 the bonds are issued is specifically appropriated in the  
15 General Appropriations Act. For purposes of refunding  
16 Preservation 2000 bonds, amounts designated within this  
17 section for Preservation 2000 and Florida Forever bonds may be  
18 transferred between the two programs to the extent provided  
19 for in the documents authorizing the issuance of the bonds.  
20 The Preservation 2000 bonds and Florida Forever bonds shall be  
21 equally and ratably secured by moneys distributable to the  
22 Land Acquisition Trust Fund pursuant to this section, except  
23 to the extent specifically provided otherwise by the documents  
24 authorizing the issuance of the bonds. No moneys transferred  
25 to the Land Acquisition Trust Fund pursuant to this paragraph,  
26 or earnings thereon, shall be used or made available to pay  
27 debt service on the Save Our Coast revenue bonds.

28 (b) Moneys ~~The remainder of the moneys distributed~~  
29 ~~under this subsection, after the required payment under~~  
30 ~~paragraph (a),~~ shall be paid into the State Treasury to the  
31 credit of the Save Our Everglades Trust Fund in amounts

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1 necessary to pay debt service, provide reserves, and pay  
2 rebate obligations and other amounts due with respect to bonds  
3 issued under s. 215.619. Taxes distributable pursuant to  
4 paragraphs (a) and (b) shall be collectively distributed on a  
5 pro rata basis.

6 (c) The remainder of the moneys distributed under this  
7 subsection, after the required payments under paragraphs (a)  
8 and (b), shall be paid into the State Treasury to the credit  
9 of the Land Acquisition Trust Fund and may be used for any  
10 purpose for which funds deposited in the Land Acquisition  
11 Trust Fund may lawfully be used. Payments made under this  
12 paragraph shall continue until the cumulative amount credited  
13 to the Land Acquisition Trust Fund for the fiscal year under  
14 this paragraph and paragraph (2)(b) equals 70 percent of the  
15 current official forecast for distributions of taxes collected  
16 under this chapter pursuant to subsection (2). As used in this  
17 paragraph, the term "current official forecast" means the most  
18 recent forecast as determined by the Revenue Estimating  
19 Conference. If the current official forecast for a fiscal year  
20 changes after payments under this paragraph have ended during  
21 that fiscal year, no further payments are required under this  
22 paragraph during the fiscal year.

23 (d) The remainder of the moneys distributed under this  
24 subsection, after the required payments under paragraphs (a),  
25 (b), and (c), shall be paid into the State Treasury to the  
26 credit of:

27 1. The State Transportation Trust Fund in the  
28 Department of Transportation in the amount of \$542 ~~\$541.75~~  
29 million in each fiscal year, to be paid in quarterly  
30 installments and used for the following specified purposes,  
31 notwithstanding any other law to the contrary:

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a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts

Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of \$100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of \$104,130,000 ~~\$105 million~~ in each fiscal year, to be paid in monthly installments ~~with \$75 million used~~ to fund the Classrooms for Kids Program created in s. 1013.735, ~~and \$30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738~~. If required, new facilities constructed under the Classrooms for Kids Program must meet the requirements of s. 1013.372.

4. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of \$3.87 ~~\$3.25~~

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1 million in each fiscal year to be paid in monthly  
2 installments, with \$3 million to be used to fund technical  
3 assistance to local governments and school boards on the  
4 requirements and implementation of this act and \$870,000  
5 ~~\$250,000~~ to be used to fund the Century Commission established  
6 in s. 163.3247.

7  
8 Moneys distributed pursuant to this paragraph may not be  
9 pledged for debt service unless such pledge is approved by  
10 referendum of the voters.

11 (e) The remainder of the moneys distributed under this  
12 subsection, after the required payments under paragraphs (a),  
13 (b), (c), and (d), shall be paid into the State Treasury to  
14 the credit of the General Revenue Fund of the state to be used  
15 and expended for the purposes for which the General Revenue  
16 Fund was created and exists by law or to the Ecosystem  
17 Management and Restoration Trust Fund or to the Marine  
18 Resources Conservation Trust Fund as provided in subsection  
19 (11).

20 (9) Seven ~~The lesser of seven~~ and fifty-three  
21 hundredths percent of the remaining taxes collected under this  
22 chapter ~~or \$107 million in each fiscal year~~ shall be paid into  
23 the State Treasury to the credit of the State Housing Trust  
24 Fund and shall be used as follows:

25 (a) Half of that amount shall be used for the purposes  
26 for which the State Housing Trust Fund was created and exists  
27 by law.

28 (b) Half of that amount shall be paid into the State  
29 Treasury to the credit of the Local Government Housing Trust  
30 Fund and shall be used for the purposes for which the Local  
31 Government Housing Trust Fund was created and exists by law.



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1           (10) Eight ~~The lesser of eight~~ and sixty-six  
2 hundredths percent of the remaining taxes collected under this  
3 chapter ~~or \$136 million in each fiscal year~~ shall be paid into  
4 the State Treasury to the credit of the State Housing Trust  
5 Fund and shall be used as follows:

6           (a) Twelve and one-half percent of that amount shall  
7 be deposited into the State Housing Trust Fund and be expended  
8 by the Department of Community Affairs and by the Florida  
9 Housing Finance Corporation for the purposes for which the  
10 State Housing Trust Fund was created and exists by law.

11           (b) Eighty-seven and one-half percent of that amount  
12 shall be distributed to the Local Government Housing Trust  
13 Fund and shall be used for the purposes for which the Local  
14 Government Housing Trust Fund was created and exists by law.  
15 Funds from this category may also be used to provide for state  
16 and local services to assist the homeless.

17           (11) From the moneys specified in paragraphs (1)(e)  
18 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the  
19 General Revenue Fund, \$30 million shall be paid into the State  
20 Treasury to the credit of the Ecosystem Management and  
21 Restoration Trust Fund in fiscal year 2000-2001 and each  
22 fiscal year thereafter, to be used for the preservation and  
23 repair of the state's beaches as provided in ss.  
24 161.091-161.212, and \$2 million shall be paid into the State  
25 Treasury to the credit of the Marine Resources Conservation  
26 Trust Fund to be used for marine mammal care as provided in s.  
27 370.0603(3).

28           (15) Beginning July 1, 2008, in each fiscal year that  
29 the remaining taxes collected under this chapter exceed such  
30 collections in the prior fiscal year, the stated maximum  
31 dollar amounts provided in subsections (2), (4), (6), and (7)-

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1 ~~(9), and (10)~~ shall each be increased by an amount equal to 10  
2 percent of the increase in the remaining taxes collected under  
3 this chapter multiplied by the applicable percentage provided  
4 in those subsections.

5 ~~(17) Distributions to the State Housing Trust Fund~~  
6 ~~pursuant to subsections (9) and (10) shall be sufficient to~~  
7 ~~cover amounts required to be transferred to the Florida~~  
8 ~~Affordable Housing Guarantee Program's annual debt service~~  
9 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and~~  
10 ~~(b) up to but not exceeding the amount required to be~~  
11 ~~transferred to such reserve and fund based on the percentage~~  
12 ~~distribution of documentary stamp tax revenues to the State~~  
13 ~~Housing Trust Fund which is in effect in the 2004-2005 fiscal~~  
14 ~~year.~~

15 ~~(17)(18)~~ The remaining taxes collected under this  
16 chapter, after the distributions provided in the preceding  
17 subsections, shall be paid into the State Treasury to the  
18 credit of the General Revenue Fund.

19 Section 11. Subsection (3) of section 215.619, Florida  
20 Statutes, is amended to read:

21 215.619 Bonds for Everglades restoration.--

22 (3) Everglades restoration bonds are payable from, and  
23 secured by a first lien on, taxes distributable under s.  
24 201.15(1)(b) and do not constitute a general obligation of, or  
25 a pledge of the full faith and credit of, the state.  
26 Everglades restoration bonds are secured on a parity basis  
27 with bonds secured by moneys distributable under s.

28 201.15(1)(a) junior and subordinate to bonds secured by moneys  
29 distributable under s. 201.15(1)(a).

30 Section 12. Subsections (1) and (2) of section  
31 220.183, Florida Statutes, are amended to read:

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1           220.183 Community contribution tax credit.--

2           (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
3 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
4 SPENDING.--

5           (a) There shall be allowed a credit of 50 percent of a  
6 community contribution against any tax due for a taxable year  
7 under this chapter.

8           (b) No business firm shall receive more than \$200,000  
9 in annual tax credits for all approved community contributions  
10 made in any one year.

11           (c) The total amount of tax credit which may be  
12 granted for all programs approved under this section, s.  
13 212.08(5)(q), and s. 624.5105 is \$8 ~~\$12~~ million annually for  
14 projects that provide homeownership opportunities for  
15 low-income or very-low-income households as defined in s.  
16 420.9071(19) and (28), and \$4 million annually for all other  
17 projects.

18           (d) All proposals for the granting of the tax credit  
19 shall require the prior approval of the Office of Tourism,  
20 Trade, and Economic Development.

21           (e) If the credit granted pursuant to this section is  
22 not fully used in any one year because of insufficient tax  
23 liability on the part of the business firm, the unused amount  
24 may be carried forward for a period not to exceed 5 years. The  
25 carryover credit may be used in a subsequent year when the tax  
26 imposed by this chapter for such year exceeds the credit for  
27 such year under this section after applying the other credits  
28 and unused credit carryovers in the order provided in s.  
29 220.02(8).

30           (f) A taxpayer who files a Florida consolidated return  
31 as a member of an affiliated group pursuant to s. 220.131(1)

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1 may be allowed the credit on a consolidated return basis.

2 (g) A taxpayer who is eligible to receive the credit  
3 provided for in s. 624.5105 is not eligible to receive the  
4 credit provided by this section.

5 (2) ELIGIBILITY REQUIREMENTS.--

6 (a) All community contributions by a business firm  
7 shall be in the form specified in s. 220.03(1)(d).

8 (b)1. All community contributions must be reserved  
9 exclusively for use in projects as defined in s. 220.03(1)(t).

10 ~~2. For the first 6 months of the fiscal year, the~~  
11 ~~Office of Tourism, Trade, and Economic Development shall~~  
12 ~~reserve 80 percent of the first \$10 million in available~~  
13 ~~annual tax credits, and 70 percent of any available annual tax~~  
14 ~~credits in excess of \$10 million, for donations made to~~  
15 ~~eligible sponsors for projects that provide homeownership~~  
16 ~~opportunities for low income or very low income households as~~  
17 ~~defined in s. 420.9071(19) and (28). If any reserved annual~~  
18 ~~tax credits remain after the first 6 months of the fiscal~~  
19 ~~year, the office may approve the balance of these available~~  
20 ~~credits for donations made to eligible sponsors for projects~~  
21 ~~other than those that provide homeownership opportunities for~~  
22 ~~low income or very low income households.~~

23 ~~3. For the first 6 months of the fiscal year, the~~  
24 ~~office shall reserve 20 percent of the first \$10 million in~~  
25 ~~available annual tax credits, and 30 percent of any available~~  
26 ~~annual tax credits in excess of \$10 million, for donations~~  
27 ~~made to eligible sponsors for projects other than those that~~  
28 ~~provide homeownership opportunities for low income or~~  
29 ~~very low income households as defined in s. 420.9071(19) and~~  
30 ~~(28). If any reserved annual tax credits remain after the~~  
31 ~~first 6 months of the fiscal year, the office may approve the~~

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~~balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.~~

2.4. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant the tax credits for such applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credit shall be granted in full if the tax credit applications are approved, ~~subject to the provisions of subparagraph 2.~~

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits ~~under~~

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~~subparagraph 2.~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~c. If, after the first 6 months of the fiscal year, additional credits become available pursuant to subparagraph 3., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

~~3.5.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax credits available for those projects reserved under subparagraph 3., the Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the ~~available~~ annual tax credits available for those projects reserved under subparagraph 3., the office shall grant the tax credits for such applications on a pro rata basis. ~~If, after the first 6 months of the fiscal year, additional credits become available under subparagraph 2., the office shall grant~~

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~~the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter 421;
5. A community redevelopment agency, created pursuant to s. 163.356;
6. The Florida Industrial Development Corporation;
7. An historic preservation district agency or organization;
8. A regional workforce board;
9. A direct-support organization as provided in s. 1009.983;
10. An enterprise zone development agency created pursuant to s. 290.0056;
11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community

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1 development as the primary mission of the corporation;

2 12. Units of local government;

3 13. Units of state government; or

4 14. Such other agency as the Office of Tourism, Trade,  
5 and Economic Development may, from time to time, designate by  
6 rule.

7  
8 In no event shall a contributing business firm have a  
9 financial interest in the eligible sponsor.

10 (d) The project shall be located in an area designated  
11 as an enterprise zone or a Front Porch Florida Community  
12 pursuant to s. 20.18(6). Any project designed to construct or  
13 rehabilitate housing for low-income or very-low-income  
14 households as defined in s. 420.9071(19) and (28) is exempt  
15 from the area requirement of this paragraph. This section does  
16 not preclude projects that propose to construct or  
17 rehabilitate housing for low-income or very-low-income  
18 households on scattered sites. Any project designed to provide  
19 increased access to high-speed broadband capabilities which  
20 includes coverage of a rural enterprise zone may locate the  
21 project's infrastructure in any area of a rural county.

22 Section 13. Paragraph (f) of subsection (6) of section  
23 253.034, Florida Statutes, is amended to read:

24 253.034 State-owned lands; uses.--

25 (6) The Board of Trustees of the Internal Improvement  
26 Trust Fund shall determine which lands, the title to which is  
27 vested in the board, may be surplus. For conservation lands,  
28 the board shall make a determination that the lands are no  
29 longer needed for conservation purposes and may dispose of  
30 them by an affirmative vote of at least three members. In the  
31 case of a land exchange involving the disposition of



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1 conservation lands, the board must determine by an affirmative  
2 vote of at least three members that the exchange will result  
3 in a net positive conservation benefit. For all other lands,  
4 the board shall make a determination that the lands are no  
5 longer needed and may dispose of them by an affirmative vote  
6 of at least three members.

7       (f)~~1~~. In reviewing lands owned by the board, the  
8 council shall consider whether such lands would be more  
9 appropriately owned or managed by the county or other unit of  
10 local government in which the land is located. A local  
11 government may request that state lands be specifically  
12 declared to be surplus lands for the purpose of providing  
13 affordable housing. The council shall recommend to the board  
14 whether a sale, lease, or other conveyance to a local  
15 government would be in the best interests of the state and  
16 local government. The provisions of this paragraph in no way  
17 limit the provisions of ss. 253.111 and 253.115. Such lands  
18 shall be offered to the state, county, or local government for  
19 a period of 30 days. Permittable uses for such surplus lands  
20 may include public schools; public libraries; fire or law  
21 enforcement substations; ~~and~~ governmental, judicial, or  
22 recreational centers; and affordable housing. County or local  
23 government requests for surplus lands shall be expedited  
24 throughout the surplus process. Surplus lands that are  
25 conveyed to a local government for affordable housing shall be  
26 disposed of under the provisions of s. 125.379 or s. 166.0451.  
27 If the county or local government does not elect to purchase  
28 such lands in accordance with s. 253.111, then any surplus  
29 determination involving other governmental agencies shall be  
30 made upon the board deciding the best public use of the lands.  
31 Surplus properties in which governmental agencies have

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1 expressed no interest shall then be available for sale on the  
2 private market.

3 ~~2. Notwithstanding subparagraph 1., any surplus lands~~  
4 ~~that were acquired by the state prior to 1958 by a gift or~~  
5 ~~other conveyance for no consideration from a municipality, and~~  
6 ~~which the department has filed by July 1, 2006, a notice of~~  
7 ~~its intent to surplus, shall be first offered for reconveyance~~  
8 ~~to such municipality at no cost, but for the fair market value~~  
9 ~~of any building or other improvements to the land, unless~~  
10 ~~otherwise provided in a deed restriction of record. This~~  
11 ~~subparagraph expires July 1, 2006.~~

12 Section 14. Section 295.16, Florida Statutes, is  
13 amended to read:

14 295.16 Disabled veterans exempt from certain license  
15 or permit fee.--No totally and permanently disabled veteran  
16 who is a resident of Florida and honorably discharged from the  
17 Armed Forces, who has been issued a valid identification card  
18 by the Department of Veterans' Affairs in accordance with s.  
19 295.17 or has been determined by the United States Department  
20 of Veterans Affairs or its predecessor to have a  
21 service-connected 100-percent disability rating for  
22 compensation, or who has been determined to have a  
23 service-connected disability rating of 100 percent and is in  
24 receipt of disability retirement pay from any branch of the  
25 uniformed armed services, shall be required to pay any license  
26 or permit fee, by whatever name known, to any county or  
27 municipality in order to make improvements upon a dwelling  
28 ~~mobile home~~ owned by the veteran which is used as the  
29 veteran's residence, provided such improvements are limited to  
30 ramps, widening of doors, and similar improvements for the  
31 purpose of making the dwelling ~~mobile home~~ habitable for

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1 veterans confined to wheelchairs.

2 Section 15. Paragraph (b) of subsection (19) of  
3 section 380.06, Florida Statutes, is amended to read:

4 380.06 Developments of regional impact.--

5 (19) SUBSTANTIAL DEVIATIONS.--

6 (b) Any proposed change to a previously approved  
7 development of regional impact or development order condition  
8 which, either individually or cumulatively with other changes,  
9 exceeds any of the following criteria shall constitute a  
10 substantial deviation and shall cause the development to be  
11 subject to further development-of-regional-impact review  
12 without the necessity for a finding of same by the local  
13 government:

14 1. An increase in the number of parking spaces at an  
15 attraction or recreational facility by 5 percent or 300  
16 spaces, whichever is greater, or an increase in the number of  
17 spectators that may be accommodated at such a facility by 5  
18 percent or 1,000 spectators, whichever is greater.

19 2. A new runway, a new terminal facility, a 25-percent  
20 lengthening of an existing runway, or a 25-percent increase in  
21 the number of gates of an existing terminal, but only if the  
22 increase adds at least three additional gates.

23 3. An increase in the number of hospital beds by 5  
24 percent or 60 beds, whichever is greater.

25 4. An increase in industrial development area by 5  
26 percent or 32 acres, whichever is greater.

27 5. An increase in the average annual acreage mined by  
28 5 percent or 10 acres, whichever is greater, or an increase in  
29 the average daily water consumption by a mining operation by 5  
30 percent or 300,000 gallons, whichever is greater. An increase  
31 in the size of the mine by 5 percent or 750 acres, whichever

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1 is less. An increase in the size of a heavy mineral mine as  
2 defined in s. 378.403(7) will only constitute a substantial  
3 deviation if the average annual acreage mined is more than 500  
4 acres and consumes more than 3 million gallons of water per  
5 day.

6           6. An increase in land area for office development by  
7 5 percent or an increase of gross floor area of office  
8 development by 5 percent or 60,000 gross square feet,  
9 whichever is greater.

10           7. An increase in the storage capacity for chemical or  
11 petroleum storage facilities by 5 percent, 20,000 barrels, or  
12 7 million pounds, whichever is greater.

13           8. An increase of development at a waterport of wet  
14 storage for 20 watercraft, dry storage for 30 watercraft, or  
15 wet/dry storage for 60 watercraft in an area identified in the  
16 state marina siting plan as an appropriate site for additional  
17 waterport development or a 5-percent increase in watercraft  
18 storage capacity, whichever is greater.

19           9. An increase in the number of dwelling units by 5  
20 percent or 50 dwelling units, whichever is greater.

21           10. An increase in commercial development by 50,000  
22 square feet of gross floor area or of parking spaces provided  
23 for customers for 300 cars or a 5-percent increase of either  
24 of these, whichever is greater.

25           11. An increase in hotel or motel facility units by 5  
26 percent or 75 units, whichever is greater.

27           12. An increase in a recreational vehicle park area by  
28 5 percent or 100 vehicle spaces, whichever is less.

29           13. A decrease in the area set aside for open space of  
30 5 percent or 20 acres, whichever is less.

31           14. A proposed increase to an approved multiuse

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1 development of regional impact where the sum of the increases  
2 of each land use as a percentage of the applicable substantial  
3 deviation criteria is equal to or exceeds 100 percent. The  
4 percentage of any decrease in the amount of open space shall  
5 be treated as an increase for purposes of determining when 100  
6 percent has been reached or exceeded.

7 15. A 15-percent increase in the number of external  
8 vehicle trips generated by the development above that which  
9 was projected during the original  
10 development-of-regional-impact review.

11 16. Any change which would result in development of  
12 any area which was specifically set aside in the application  
13 for development approval or in the development order for  
14 preservation or special protection of endangered or threatened  
15 plants or animals designated as endangered, threatened, or  
16 species of special concern and their habitat, primary dunes,  
17 or archaeological and historical sites designated as  
18 significant by the Division of Historical Resources of the  
19 Department of State. The further refinement of such areas by  
20 survey shall be considered under sub-subparagraph (e)5.b.

21 17. An increase in the number of dwelling units by 15  
22 percent or 100 units, whichever is greater, if 20 percent of  
23 the increase in the number of dwelling units is dedicated to  
24 the construction of workforce housing, subject to a recorded  
25 land use restriction agreement. For purposes of this  
26 subparagraph, the term "workforce housing" means housing that  
27 is affordable to a person who earns less than 120 percent of  
28 the area median income.

29  
30 The substantial deviation numerical standards in subparagraphs  
31 4., 6., 10., 14., excluding residential uses, and 15., are

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1 increased by 100 percent for a project certified under s.  
2 403.973 which creates jobs and meets criteria established by  
3 the Office of Tourism, Trade, and Economic Development as to  
4 its impact on an area's economy, employment, and prevailing  
5 wage and skill levels. The substantial deviation numerical  
6 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
7 increased by 50 percent for a project located wholly within an  
8 urban infill and redevelopment area designated on the  
9 applicable adopted local comprehensive plan future land use  
10 map and not located within the coastal high hazard area.

11 Section 16. Present paragraph (k) of subsection (3) of  
12 section 380.0651, Florida Statutes, is redesignated as  
13 paragraph (l), and a new paragraph (k) is added to that  
14 subsection, to read:

15 380.0651 Statewide guidelines and standards.--

16 (3) The following statewide guidelines and standards  
17 shall be applied in the manner described in s. 380.06(2) to  
18 determine whether the following developments shall be required  
19 to undergo development-of-regional-impact review:

20 (k) Residential development.--The applicable  
21 guidelines for residential development and the residential  
22 component for multiuse development shall be increased by 20  
23 percent where the developer demonstrates that at least 15  
24 percent of the residential dwelling units will be dedicated to  
25 workforce housing, subject to a recorded land use restriction  
26 agreement. For purposes of this subparagraph, the term  
27 "workforce housing" means housing that is affordable to a  
28 person who earns less than 120 percent of the area median  
29 income.

30 Section 17. Section 420.0004, Florida Statutes, is  
31 amended to read:

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1           420.0004 Definitions.--As used in this part, unless  
2 the context otherwise indicates:

3           (1) "Adjusted for family size" means adjusted in a  
4 manner which results in an income eligibility level which is  
5 lower for households with fewer than four people, or higher  
6 for households with more than four people, than the base  
7 income eligibility determined as provided in subsection (9),  
8 subsection (10), subsection (11), or subsection(15) ~~(14)~~,  
9 based upon a formula as established by the United States  
10 Department of Housing and Urban Development.

11           (2) "Adjusted gross income" means all wages, assets,  
12 regular cash or noncash contributions or gifts from persons  
13 outside the household, and such other resources and benefits  
14 as may be determined to be income by the United States  
15 Department of Housing and Urban Development, adjusted for  
16 family size, less deductions allowable under s. 62 of the  
17 Internal Revenue Code.

18           (3) "Affordable" means that monthly rents or monthly  
19 mortgage payments including taxes, insurance, and utilities do  
20 not exceed 30 percent of that amount which represents the  
21 percentage of the median adjusted gross annual income for the  
22 households as indicated in subsection (9), subsection (10),  
23 subsection (11), or subsection(15) ~~(14)~~.

24           (4) "Corporation" means the Florida Housing Finance  
25 Corporation.

26           (5) "Community-based organization" or "nonprofit  
27 organization" means a private corporation organized under  
28 chapter 617 to assist in the provision of housing and related  
29 services on a not-for-profit basis and which is acceptable to  
30 federal and state agencies and financial institutions as a  
31 sponsor of low-income housing.

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1           (6) "Department" means the Department of Community  
2 Affairs.

3           (7) "Elderly" describes persons 62 years of age or  
4 older.

5           (8) "Local public body" means any county,  
6 municipality, or other political subdivision, or any housing  
7 authority as provided by chapter 421, which is eligible to  
8 sponsor or develop housing for farmworkers and very-low-income  
9 and low-income persons within its jurisdiction.

10          (9) "Extremely-low-income persons" means one or more  
11 natural persons or a family whose total annual household  
12 income does not exceed 30 percent of the median annual  
13 adjusted gross income for households within the state. The  
14 Florida Housing Finance Corporation may adjust this amount  
15 annually by rule to provide that in lower-income counties,  
16 extremely low income may exceed 30 percent of the median  
17 income for the area, and that in higher-income counties,  
18 extremely low income may be less than 30 percent of the median  
19 income for the area.

20          ~~(10)~~~~(9)~~ "Low-income persons" means one or more natural  
21 persons or a family, the total annual adjusted gross household  
22 income of which does not exceed 80 percent of the median  
23 annual adjusted gross income for households within the state,  
24 or 80 percent of the median annual adjusted gross income for  
25 households within the metropolitan statistical area (MSA) or,  
26 if not within an MSA, within the county in which the person or  
27 family resides, whichever is greater.

28          ~~(11)~~~~(10)~~ "Moderate-income persons" means one or more  
29 natural persons or a family, the total annual adjusted gross  
30 household income of which is less than 120 percent of the  
31 median annual adjusted gross income for households within the



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1 state, or 120 percent of the median annual adjusted gross  
2 income for households within the metropolitan statistical area  
3 (MSA) or, if not within an MSA, within the county in which the  
4 person or family resides, whichever is greater.

5 ~~(12)~~~~(11)~~ "Student" means any person not living with  
6 his or her parent or guardian who is eligible to be claimed by  
7 his or her parent or guardian as a dependent under the federal  
8 income tax code and who is enrolled on at least a half-time  
9 basis in a secondary school, career center, community college,  
10 college, or university.

11 ~~(13)~~~~(12)~~ "Substandard" means:

12 (a) Any unit lacking complete plumbing or sanitary  
13 facilities for the exclusive use of the occupants;

14 (b) A unit which is in violation of one or more major  
15 sections of an applicable housing code and where such  
16 violation poses a serious threat to the health of the  
17 occupant; or

18 (c) A unit that has been declared unfit for human  
19 habitation but that could be rehabilitated for less than 50  
20 percent of the property value.

21 ~~(14)~~~~(13)~~ "Substantial rehabilitation" means repair or  
22 restoration of a dwelling unit where the value of such repair  
23 or restoration exceeds 40 percent of the value of the  
24 dwelling.

25 ~~(15)~~~~(14)~~ "Very-low-income persons" means one or more  
26 natural persons or a family, not including students, the total  
27 annual adjusted gross household income of which does not  
28 exceed 50 percent of the median annual adjusted gross income  
29 for households within the state, or 50 percent of the median  
30 annual adjusted gross income for households within the  
31 metropolitan statistical area (MSA) or, if not within an MSA,

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1 within the county in which the person or family resides,  
2 whichever is greater.

3 Section 18. Subsection (18) of section 420.503,  
4 Florida Statutes, is amended to read:

5 420.503 Definitions.--As used in this part, the term:

6 (18)(a) "Farmworker" means a laborer who is employed  
7 on a seasonal, temporary, or permanent basis in the planting,  
8 cultivating, harvesting, or processing of agricultural or  
9 aquacultural products and who derived at least 50 percent of  
10 her or his income in the immediately preceding 12 months from  
11 such employment.

12 (b) "Farmworker" ~~also~~ includes a person who has  
13 retired as a laborer due to age, disability, or illness. In  
14 order to be considered retired as a farmworker due to age  
15 under this part, a person must be 50 years of age or older and  
16 must have been employed for a minimum of 5 years as a  
17 farmworker before retirement. In order to be considered  
18 retired as a farmworker due to disability or illness, a person  
19 must:

20 1.(a) Establish medically that she or he is unable to  
21 be employed as a farmworker due to that disability or illness.

22 2.(b) Establish that she or he was previously employed  
23 as a farmworker.

24 (c) Notwithstanding paragraphs (a) and (b), when  
25 corporation-administered funds are used in conjunction with  
26 funds provided by the United States Department of Agriculture  
27 Rural Development, the term "farmworker" may mean a laborer  
28 who meets, at a minimum, the definition of "domestic farm  
29 laborer" as defined in 7 C.F.R. s. 3560.11, as amended. The  
30 corporation may establish additional criteria by rule.

31 Section 19. Subsection (22), paragraph (a) of

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subsection (23), and subsection (40) of section 420.507, Florida Statutes, are amended, and subsections (44), (45), and (46) are added to that section, to read:

420.507 Powers of the corporation.--The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of their total units for residents qualifying as farmworkers as defined in this part ~~s. 420.503(18)~~, commercial fishing workers as defined in this part ~~s. 420.503(5)~~, or the homeless as defined in s. 420.621(4) over the life of the loan.

2. The board may set the interest rate based on the pro rata share of units set aside for homeless residents if the total share of the units is less than 80 percent of the

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1 units in the borrower's project.

2 3.2- One ~~Three~~ to 9 percent interest for sponsors of  
3 projects targeted at populations other than farmworkers,  
4 commercial fishing workers, and the homeless.

5 (b) The corporation may make loans exceeding 25  
6 percent of project costs if the project serves  
7 extremely-low-income persons.

8 (c) The corporation may forgive indebtedness for a pro  
9 rata share of the loan based on the number of units in a  
10 project reserved for extremely-low-income persons.

11 (d)(b) Geographically and demographically target the  
12 utilization of loans.

13 (e)(c) Underwrite credit, and reject projects which do  
14 not meet the established standards of the corporation.

15 (f)(d) Negotiate with governing bodies within the  
16 state after a loan has been awarded to obtain local government  
17 contributions.

18 (g)(e) Inspect any records of a sponsor at any time  
19 during the life of the loan or the agreed period for  
20 maintaining the provisions of s. 420.5087.

21 (h)(f) Establish, by rule, the procedure for  
22 evaluating, scoring, and competitively ranking all  
23 applications based on the criteria set forth in s.  
24 420.5087(6)(c); determining actual loan amounts; making and  
25 servicing loans; and exercising the powers authorized in this  
26 subsection.

27 (i)(g) Establish a loan loss insurance reserve to be  
28 used to protect the outstanding program investment in case of  
29 a default, deed in lieu of foreclosure, or foreclosure of a  
30 program loan.

31 (23) To develop and administer the Florida

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1 Homeownership Assistance Program. In developing and  
2 administering the program, the corporation may:

3 (a)1. Make subordinated loans to eligible borrowers  
4 for down payments or closing costs related to the purchase of  
5 the borrower's primary residence.

6 2. Make permanent loans to eligible borrowers related  
7 to the purchase of the borrower's primary residence.

8 3. Make subordinated loans to nonprofit sponsors or  
9 developers of housing for purchase of property, for  
10 construction, or for financing of housing to be offered for  
11 sale to eligible borrowers as a primary residence at an  
12 affordable price.

13 (40) To establish subsidiary business entities  
14 ~~corporations~~ for the purpose of taking title to and managing  
15 and disposing of property acquired by the corporation. The  
16 ~~Such~~ subsidiary business entities ~~corporations~~ shall be public  
17 business entities ~~corporations~~ wholly owned by the  
18 corporation; are ~~shall be~~ entitled to own, mortgage, and sell  
19 property on the same basis as the corporation; and shall be  
20 deemed business entities ~~corporations~~ primarily acting as  
21 agents of the state, within the meaning of s. 768.28, on the  
22 same basis as the corporation. Any subsidiary business entity  
23 created by the corporation is ~~shall be~~ subject to chapters  
24 119, 120, and 286 to the same extent as the corporation. The  
25 subsidiary business entities may make rules necessary to  
26 conduct business and carry out the purposes of this  
27 subsection.

28 (44) To adopt rules in order that the corporation may  
29 intervene, negotiate terms, or undertake other actions that  
30 the corporation deems necessary to further program goals or  
31 avoid default of a program loan. The rules must take into

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account the fiscal goals of the program and the preservation or advancement of affordable housing for the state.

(45) To establish by rule requirements for periodic reporting of data. Each periodic report must include, but is not limited to, data relating to multifamily projects such as information concerning financing, housing market information, detailed economic analysis, and physical occupancy and demographic data concerning all housing types financed through corporation programs and for participation in a housing location system.

(46) In order to administer funds appropriated for disaster recovery following a declaration of emergency pursuant to s. 252.36, to create programs to repair, rehabilitate, and construct multifamily and single family dwellings. To administer this subsection, the corporation may adopt emergency rules pursuant to s. 120.54. The Legislature finds that emergency rules adopted under this subsection meet the health, safety, and welfare requirements of s. 120.54(4). The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state which sustain housing damage due to the occurrence of a disaster, as defined in s. 252.34(1). Emergency rules adopted under this section are exempt from s. 120.54(4)(a) and (c).

Section 20. Subsections (1), (3), and (5), and paragraphs (a), (b), (c), (f), (h), and (k) of subsection (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.--There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first,

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1 second, or other subordinated mortgage loans or loan  
2 guarantees to sponsors, including for-profit, nonprofit, and  
3 public entities, to provide housing affordable to  
4 very-low-income persons.

5 (1) Program funds shall be distributed over successive  
6 3-year periods in a manner that meets the need and demand for  
7 very-low-income housing throughout the state. That need and  
8 demand must be determined by using the most recent statewide  
9 low-income rental housing market studies available at the  
10 beginning of each 3-year period. However, at least 10 percent  
11 of the program funds distributed during a 3-year period must  
12 be allocated to each of the following categories of counties,  
13 as determined by using the population statistics published in  
14 the most recent edition of the Florida Statistical Abstract:

15 (a) Counties that have a population of 825,000 or more  
16 ~~than 500,000 people;~~

17 (b) Counties that have a population of more than  
18 ~~between 100,000 but fewer than 825,000 and 500,000 people;~~ and

19 (c) Counties that have a population of 100,000 or  
20 fewer ~~less~~.

21

22 Any increase in funding required to reach the 10-percent  
23 minimum shall be taken from the county category that has the  
24 largest allocation. The corporation shall adopt rules that  
25 ~~which~~ establish an equitable process for distributing any  
26 portion of the 10 percent of program funds allocated to the  
27 county categories specified in this subsection which remains  
28 unallocated at the end of a 3-year period. Counties that have  
29 a population of 100,000 or fewer ~~less~~ shall be given  
30 preference under these rules.

31 (3) During the first 6 months of loan or loan

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1 guarantee availability, program funds shall be reserved for  
2 use by sponsors who provide the housing set-aside required in  
3 subsection (2) for the tenant groups designated in this  
4 subsection. The reservation of funds to each of these groups  
5 shall be determined using the most recent statewide  
6 very-low-income rental housing market study available at the  
7 time of publication of each notice of fund availability  
8 required by paragraph (6)(b). The reservation of funds within  
9 each notice of fund availability to the tenant groups in  
10 paragraphs (a), (b), and (d) may not be less than 10 percent  
11 of the funds available at that time. Any increase in funding  
12 required to reach the 10-percent minimum shall be taken from  
13 the tenant group that has the largest reservation. The  
14 reservation of funds within each notice of fund availability  
15 to the tenant group in paragraph (c) may not be less than 5  
16 percent of the funds available at that time. The tenant groups  
17 are:

- 18 (a) Commercial fishing workers and farmworkers;
- 19 (b) Families;
- 20 (c) Persons who are homeless; and
- 21 (d) Elderly persons. Ten percent of the amount  
22 reserved for the elderly shall be reserved to provide loans to  
23 sponsors of housing for the elderly for the purpose of making  
24 building preservation, health, or sanitation repairs or  
25 improvements which are required by federal, state, or local  
26 regulation or code, or lifesafety or security-related repairs  
27 or improvements to such housing. Such a loan may not exceed  
28 \$750,000 per housing community for the elderly. In order to  
29 receive the loan, the sponsor of the housing community must  
30 make a commitment to match at least 5 ~~15~~ percent of the loan  
31 amount to pay the cost of such repair or improvement. The



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1 corporation shall establish the rate of interest on the loan,  
 2 which may not exceed 3 percent, and the term of the loan,  
 3 which may not exceed 15 years. However, if the lien of the  
 4 corporation's encumbrance is subordinate to the lien of  
 5 another mortgagee, the term may be made coterminous with the  
 6 longest term of the superior lien. The term of the loan shall  
 7 be established on the basis of a credit analysis of the  
 8 applicant. The corporation shall establish, by rule, the  
 9 procedure and criteria for receiving, evaluating, and  
 10 competitively ranking all applications for loans under this  
 11 paragraph. A loan application must include evidence of the  
 12 first mortgagee's having reviewed and approved the sponsor's  
 13 intent to apply for a loan. A nonprofit organization or  
 14 sponsor may not use the proceeds of the loan to pay for  
 15 administrative costs, routine maintenance, or new  
 16 construction.

17 (5) The amount of the mortgage provided under this  
 18 program combined with any other mortgage in a superior  
 19 position shall be less than the value of the project without  
 20 the housing set-aside required by subsection (2). However, the  
 21 corporation may waive this requirement for projects in rural  
 22 areas or urban infill areas which have market rate rents that  
 23 are less than the allowable rents pursuant to applicable state  
 24 and federal guidelines and for projects that reserve units for  
 25 extremely-low-income persons. ~~A in no event shall the mortgage~~  
 26 provided under this program may not be combined with any other  
 27 mortgage in a superior position to exceed total project cost.

28 (6) On all state apartment incentive loans, except  
 29 loans made to housing communities for the elderly to provide  
 30 for lifesafety, building preservation, health, sanitation, or  
 31 security-related repairs or improvements, the following

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1 provisions shall apply:

2 (a) The corporation shall establish two interest rates  
3 in accordance with s. 420.507(22)(a)1. and 2.

4 (b) The corporation shall publish a notice of fund  
5 availability in a publication of general circulation  
6 throughout the state. The ~~Such~~ notice shall be published at  
7 least 60 days before ~~prior to~~ the application deadline and  
8 shall provide notice of the temporary reservations of funds  
9 established in subsection (3).

10 (c) The corporation shall provide by rule for the  
11 establishment of a review committee composed of the department  
12 and corporation staff and shall establish by rule a scoring  
13 system for evaluation and competitive ranking of applications  
14 submitted in this program, including, but not limited to, the  
15 following criteria:

16 1. Tenant income and demographic targeting objectives  
17 of the corporation.

18 2. Targeting objectives of the corporation which will  
19 ensure an equitable distribution of loans between rural and  
20 urban areas.

21 3. Sponsor's agreement to reserve the units for  
22 persons or families who have incomes below 50 percent of the  
23 state or local median income, whichever is higher, for a time  
24 period to exceed the minimum required by federal law or the  
25 provisions of this part.

26 4. Sponsor's agreement to reserve more than:

27 a. Twenty percent of the units in the project for  
28 persons or families who have incomes that do not exceed 50  
29 percent of the state or local median income, whichever is  
30 higher; or

31 b. Forty percent of the units in the project for

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1 persons or families who have incomes that do not exceed 60  
2 percent of the state or local median income, whichever is  
3 higher, without requiring a greater amount of the loans as  
4 provided in this section.

5 5. Provision for tenant counseling.

6 6. Sponsor's agreement to accept rental assistance  
7 certificates or vouchers as payment for rent; however, when  
8 certificates or vouchers are accepted as payment for rent on  
9 units set aside for persons or persons with incomes under 50  
10 percent of the state or local median income, whichever is  
11 higher, these units shall only be considered for meeting the  
12 sponsor's agreement to serve persons or persons at or above 50  
13 percent of the state or local median income pursuant to  
14 subsection (2), the benefit must be divided between the  
15 corporation and the sponsor, as provided by corporation rule.  
16 7. Projects requiring the least amount of a state  
17 apartment incentive loan compared to overall project cost,  
18 except that the pro rata share of the loan attributable to the  
19 extremely-low-income units shall be excluded from this  
20 requirement.

21 8. Local government contributions and local government  
22 comprehensive planning and activities that promote affordable  
23 housing.

24 9. Project feasibility.

25 10. Economic viability of the project.

26 11. Commitment of first mortgage financing.

27 12. Sponsor's prior experience.

28 13. Sponsor's ability to proceed with construction.

29 14. Projects that directly implement or assist  
30 welfare-to-work transitioning.

31 15. Projects that reserve units for

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extremely-low-income families.

(f) The review committee established by corporation rule ~~under~~ ~~pursuant to~~ this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined by a ~~pursuant to~~ rule adopted under s. 420.507(22)(h) ~~pursuant to s. 420.507(22)(f).~~

(h) The loan shall be subject to sale, transfer, or refinancing. The sale, transfer, or refinancing of the loan shall be consistent with fiscal program goals and the preservation or advancement of affordable housing for the state. ~~However, all requirements and conditions of the loan shall remain following sale, transfer, or refinancing.~~

(k) Rent controls may ~~shall~~ not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits, and except when the sponsor has committed to set aside units for extremely-low-income persons, in which case rents shall be restricted at the level applicable to federal low-income tax credits.

Section 21. Section 420.5088, Florida Statutes, is amended to read:

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1           420.5088 Florida Homeownership Assistance  
2 Program.--There is created the Florida Homeownership  
3 Assistance Program for the purpose of assisting low-income and  
4 moderate-income persons in purchasing a home as their primary  
5 residence by reducing the cost of the home with below-market  
6 construction financing, by reducing the amount of down payment  
7 and closing costs paid by the borrower to a maximum of 5  
8 percent of the purchase price, or by reducing the monthly  
9 payment to an affordable amount for the purchaser. Loans shall  
10 be made available at an interest rate that does not exceed 3  
11 percent. The balance of any loan is due at closing if the  
12 property is sold, rented, refinanced, or transferred, except  
13 as approved by the corporation.

14           (1) For loans made available pursuant to s.  
15 420.507(23)(a)1. or 2.:

16           (a) The corporation may underwrite and make those  
17 mortgage loans through the program to persons or families who  
18 have incomes that do not exceed 120 ~~80~~ percent of the state or  
19 local median income, whichever is greater, adjusted for family  
20 size.

21           (b) Loans shall be made available for the term of the  
22 first mortgage.

23           (c) Loans may not exceed ~~are limited to~~ the lesser of  
24 35 ~~25~~ percent of the purchase price of the home or the amount  
25 necessary to enable the purchaser to meet credit underwriting  
26 criteria.

27           (2) For loans made pursuant to s. 420.507(23)(a)3.:

28           (a) Availability is limited to nonprofit sponsors or  
29 developers who are selected for program participation under  
30 ~~pursuant to~~ this subsection.

31           (b) Preference must be given to ~~community development~~

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~~corporations as defined in s. 290.033 and to~~ community-based  
organizations as defined in s. 420.503.

(c) Priority must be given to projects that have  
received state assistance in funding project predevelopment  
costs.

(d) The benefits of making such loans shall be  
contractually provided to the persons or families purchasing  
homes financed under this subsection.

(e) At least 30 percent of the units in a project  
financed under ~~pursuant to~~ this subsection must be sold to  
persons or families who have incomes that do not exceed 80  
percent of the state or local median income, whichever amount  
is greater, adjusted for family size; and at least another 30  
percent of the units in a project financed under ~~pursuant to~~  
this subsection must be sold to persons or families who have  
incomes that do not exceed 65 ~~50~~ percent of the state or local  
median income, whichever amount is greater, adjusted for  
family size.

(f) The maximum loan amount may not exceed 33 percent  
of the total project cost.

(g) A person who purchases a home in a project  
financed under this subsection is eligible for a loan  
authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount  
not exceeding the construction loan made under ~~pursuant to~~  
this subsection. The home purchaser must meet all the  
requirements for loan recipients established pursuant to the  
applicable loan program.

(h) The corporation shall provide, by rule, for the  
establishment of a review committee composed of corporation  
staff and shall establish, by rule, a scoring system for  
evaluating and ranking applications submitted for construction

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1 loans under this subsection, including, but not limited to,  
2 the following criteria:

3       1. The affordability of the housing proposed to be  
4 built.

5       2. The direct benefits of the assistance to the  
6 persons who will reside in the proposed housing.

7       3. The demonstrated capacity of the applicant to carry  
8 out the proposal, including the experience of the development  
9 team.

10       4. The economic feasibility of the proposal.

11       5. The extent to which the applicant demonstrates  
12 potential cost savings by combining the benefits of different  
13 governmental programs and private initiatives, including the  
14 local government contributions and local government  
15 comprehensive planning and activities that promote affordable  
16 housing.

17       6. The use of the least amount of program loan funds  
18 compared to overall project cost.

19       7. The provision of homeownership counseling.

20       8. The applicant's agreement to exceed the  
21 requirements of paragraph (e).

22       9. The commitment of first mortgage financing for the  
23 balance of the construction loan and for the permanent loans  
24 to the purchasers of the housing.

25       10. The applicant's ability to proceed with  
26 construction.

27       11. The targeting objectives of the corporation which  
28 will ensure an equitable distribution of loans between rural  
29 and urban areas.

30       12. The extent to which the proposal will further the  
31 purposes of this program.

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1 (i) The corporation may reject any and all  
2 applications.

3 (j) The review committee established by corporation  
4 rule pursuant to this subsection shall make recommendations to  
5 the corporation board regarding program participation under  
6 this subsection. The corporation board shall make the final  
7 ranking for participation based on the scores received in the  
8 ranking, further review of the applications, and the  
9 recommendations of the review committee. The corporation board  
10 shall approve or reject applicants for loans and shall  
11 determine the tentative loan amount available to each program  
12 participant. The final loan amount shall be determined  
13 pursuant to rule adopted under s. 420.507(23)(h).

14 (3) The corporation shall publish a notice of fund  
15 availability in a publication of general circulation  
16 throughout the state at least 60 days before ~~prior to~~ the  
17 anticipated availability of funds.

18 ~~(4) During the first 9 months of fund availability:~~

19 ~~(a) Sixty percent of the program funds shall be~~  
20 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)1.~~

21 ~~(b) Twenty percent of the program funds shall be~~  
22 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)2.~~  
23 ~~and~~

24 ~~(c) Twenty percent of the program funds shall be~~  
25 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

26  
27 ~~If the application of these percentages would cause the~~  
28 ~~reservation of program funds under paragraph (a) to be less~~  
29 ~~than \$1 million, the reservation for paragraph (a) shall be~~  
30 ~~increased to \$1 million or all available funds, whichever~~  
31 ~~amount is less, with the increase to be accomplished by~~



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1 ~~reducing the reservation for paragraph (b) and, if necessary,~~  
2 ~~paragraph (c).~~

3       ~~(4)(5)~~ There is authorized to be established by the  
4 corporation with a qualified public depository meeting the  
5 requirements of chapter 280 the Florida Homeownership  
6 Assistance Fund to be administered by the corporation  
7 according to the provisions of this program. Any amounts held  
8 in the Florida Homeownership Assistance Trust Fund for such  
9 purposes as of January 1, 1998, must be transferred to the  
10 corporation for deposit in the Florida Homeownership  
11 Assistance Fund, whereupon the Florida Homeownership  
12 Assistance Trust Fund must be closed. There shall be deposited  
13 in the fund moneys from the State Housing Trust Fund created  
14 by s. 420.0005, or moneys received from any other source, for  
15 the purpose of this program and all proceeds derived from the  
16 use of such moneys. In addition, all unencumbered funds, loan  
17 repayments, proceeds from the sale of any property, and any  
18 other proceeds that would otherwise accrue pursuant to the  
19 activities of the programs described in this section shall be  
20 transferred to this fund. In addition, all loan repayments,  
21 proceeds from the sale of any property, and any other proceeds  
22 that would otherwise accrue pursuant to the activities  
23 conducted under the provisions of the Florida Homeownership  
24 Assistance Program shall be deposited in the fund and shall  
25 not revert to the General Revenue Fund. Expenditures from the  
26 Florida Homeownership Assistance Fund shall not be required to  
27 be included in the corporation's budget request or be subject  
28 to appropriation by the Legislature.

29       ~~(5)(6)~~ No more than one-fifth of the funds available  
30 in the Florida Homeownership Assistance Fund may be made  
31 available to provide loan loss insurance reserve funds to

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1 facilitate homeownership for eligible persons.

2           Section 22. Paragraph (c) of subsection (4) of section  
3 420.9075, Florida Statutes, is amended to read:

4           420.9075 Local housing assistance plans;  
5 partnerships.--

6           (4) The following criteria apply to awards made to  
7 eligible sponsors or eligible persons for the purpose of  
8 providing eligible housing:

9           (c) The sales price or value of new or existing  
10 eligible housing may not exceed 90 percent of the average area  
11 purchase price in the statistical area in which the eligible  
12 housing is located. The ~~Such~~ average area purchase price may  
13 be that calculated for any 12-month period beginning not  
14 earlier than the fourth calendar year before ~~prior to~~ the year  
15 in which the award occurs or as established by the United  
16 States Department of the Treasury.

17

18 If both an award under the local housing assistance plan and  
19 federal low-income housing tax credits are used to assist a  
20 project and there is a conflict between the criteria  
21 prescribed in this subsection and the requirements of s. 42 of  
22 the Internal Revenue Code of 1986, as amended, the county or  
23 eligible municipality may resolve the conflict by giving  
24 precedence to the requirements of s. 42 of the Internal  
25 Revenue Code of 1986, as amended, in lieu of following the  
26 criteria prescribed in this subsection with the exception of  
27 paragraphs (a) and (d) of this subsection.

28           Section 23. Effective on this act becoming a law,  
29 section 420.9077, Florida Statutes, is created to read:

30           420.9077 Community Workforce Housing Innovation  
31 Program.--The Community Workforce Housing Innovation Program

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1 is created within the State Housing Initiatives Partnership  
2 for the purpose of making affordable housing units available  
3 to essential service workers and their families. Except as  
4 otherwise provided in this section, the Community Workforce  
5 Housing Innovation Program is governed by ss.

6 420.907-420.9079.

7 (1) The Legislature finds that the lack of housing  
8 affordable to a community's workforce affects all sectors of  
9 the community, and local partnerships as described in s.  
10 420.9072 are critical to the success of providing community  
11 workforce housing.

12 (2) The Community Workforce Housing Innovation Program  
13 shall provide funding for:

14 (a) Persons in need of affordable housing who are  
15 employed to provide essential services, such as education, law  
16 enforcement, public safety, health care, and other occupations  
17 considered essential within the local community in households  
18 having income levels up to 140 percent of median income,  
19 adjusted for family size, in areas of critical state concern.

20 (b) Projects in high-cost counties. For the purpose of  
21 this section, the term "projects in high-cost counties"  
22 includes counties in which the median purchase price of a  
23 single-family home is above the median purchase price of a  
24 single-family home in the state or counties that are, or have  
25 been within the previous 5 years, areas of critical state  
26 concern as designated or ratified by the Legislature and for  
27 which the Legislature has declared its intent to provide  
28 affordable housing. The corporation must rank each project by  
29 priority in counties having the highest real estate costs for  
30 housing.

31 (c) Projects that evidence substantial local

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1 involvement. For the purpose of this section, the term  
2 "substantial local involent" means a contribution at least 15  
3 percent of project value from a local government unit, such as  
4 a municipality, county, school district, special district, or  
5 other unit of local government or from private-sector  
6 entities.

7 (d) The housing elements of innovative projects that  
8 include new construction or rehabilitation of existing  
9 housing, mixed income, or commercial and mixed-use elements.

10 (3) Projects shall be given priority for Community  
11 Workforce Housing Innovation funding based on the local  
12 government making the following incentives available, as  
13 needed, to ensure the financial viability, successful  
14 development, and maintenance of the housing developments:

15 (a) Expedite processing of approvals of development  
16 orders or permits, as defined in s. 163.3164(7) and (8), for  
17 affordable housing projects to a greater degree than for other  
18 projects.

19 (b) Reduce impact fees by 50 percent, waive or defer  
20 payment of impact fees in whole or in part, or provide an  
21 alternative method of paying impact fees.

22 (c) Allow unit density levels up to 16 units per acre  
23 or higher, except in coastal high-hazard areas, if approved by  
24 the local government.

25 (d) Reserve infrastructure capacity in the local  
26 comprehensive plan affordable housing element for these  
27 communities.

28 (e) Allow additional affordable residential units in  
29 residential zoning districts.

30 (f) Reduce open space and setback requirements by 50  
31 percent.

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- 1       (g) Allow zero-lot-line configurations.
- 2       (h) Modify and reduce traffic concurrency requirements  
3 by up to 25 percent.
- 4       (i) Prioritize eligibility from metropolitan planning  
5 districts for funding for local transportation infrastructure.
- 6       (j) Allow mixed land use within the projects.
- 7       (k) Include strategies for maintaining perpetual  
8 affordability.
- 9       (l) Include tax increment financing.
- 10       (4) The corporation must establish criteria for  
11 selecting projects for funding by rule or in a request for  
12 proposals. Funding shall be based on demonstrated financial  
13 need of the project.
- 14       (5) For a county to be eligible to receive funding  
15 under this section, a county must:
- 16       (a) Be defined as a high-cost county under paragraph  
17 (2)(b); or
- 18       (b) Submit to the corporation a community workforce  
19 housing strategy, consistent with s. 420.9075, as a supplement  
20 to the established local housing assistance plan. The housing  
21 strategy plan must include:
- 22           1. A community-wide assessment of the need for  
23 workforce housing for employees in essential services and  
24 other critical personnel;
- 25           2. A specific collaborative process to be used by the  
26 county to plan for workforce housing; and
- 27           3. A description of how the funds received will be  
28 distributed.
- 29       (6) A minimum of 60 percent of the housing provided by  
30 a county under this section must be set aside for households  
31 whose family members are employed in areas deemed essential

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1 public service, such as education, health care, and other  
2 areas defined by the county in its workforce housing strategy.

3 (7) Notwithstanding s. 420.9075(4)(c), the sales price  
4 or value of new or existing housing may exceed the average  
5 area purchase price in the statistical area in which the  
6 eligible housing is located.

7 (8) Notwithstanding s. 420.9075(4)(d)2., housing  
8 provided under this section shall be provided with no  
9 requirement for reservation among income ranges.

10 (9) The funding for this section shall be an amount  
11 separate from the appropriation for the provisions of ss.  
12 420.907-420.9078, and shall be awarded under criteria set  
13 forth in this section, separate from and notwithstanding the  
14 funding-distribution method provided in ss. 420.9072 and  
15 420.9073.

16 (10) Funding for the Community Workforce Innovation  
17 Program within the Florida Housing Finance Corporation may be  
18 awarded to the extent that funds are appropriated.

19 (11) This section shall expire June 30, 2009.

20 Section 24. Subsection (2) of section 420.9079,  
21 Florida Statutes, is amended to read:

22 420.9079 Local Government Housing Trust Fund.--

23 (2) The corporation shall administer the fund  
24 exclusively for the purpose of implementing the programs  
25 described in ss. 420.907-420.9078 and this section. With the  
26 exception of monitoring the activities of counties and  
27 eligible municipalities to determine local compliance with  
28 program requirements, the corporation shall not receive  
29 appropriations from the fund for administrative or personnel  
30 costs. For the purpose of implementing the  
31 ~~compliance-monitoring~~ ~~compliance monitoring~~ provisions of ss.

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~~ss.~~ 420.9075(8) and 420.9077, the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation ~~\$200,000~~ per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072, ~~and~~ 420.9073, and 420.9077.

Section 25. Subsections (1) and (2) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.--

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a calendar year under s. 624.509 or s. 624.510.

(b) No insurer shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(q) and 220.183 is \$8 ~~\$12~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28), and \$4 million annually for all other projects.

(d) Each proposal for the granting of such tax credit requires the prior approval of the director.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the insurer, the unused amount may be

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carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by s. 624.509 or s. 624.510 for such year exceeds the credit under this section for such year.

(f) An insurer that claims a credit against premium-tax liability earned by making a community contribution under this section need not pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such a credit. Section 624.5091 does not limit such a credit in any manner.

(2) ELIGIBILITY REQUIREMENTS.--

(a) Each community contribution by an insurer must be in a form specified in subsection (5).

(b) Each community contribution must be reserved exclusively for use in a project as defined in s. 220.03(1)(t).

(c) The project must be undertaken by an "eligible sponsor," as defined in s. 220.183(2)(c). In no event shall a contributing insurer have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

~~(e)1. For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first \$10 million in available annual tax credits, and 70 percent of any available annual tax credits in excess of \$10 million, for donations made to~~



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1 ~~eligible sponsors for projects that provide homeownership~~  
2 ~~opportunities for low-income or very-low-income households as~~  
3 ~~defined in s. 420.9071(19) and (28). If any such reserved~~  
4 ~~annual tax credits remain after the first 6 months of the~~  
5 ~~fiscal year, the office may approve the balance of these~~  
6 ~~available credits for donations made to eligible sponsors for~~  
7 ~~projects other than those that provide homeownership~~  
8 ~~opportunities for low-income or very-low-income households.~~

9       2. ~~For the first 6 months of the fiscal year, the~~  
10 ~~office shall reserve 20 percent of the first \$10 million in~~  
11 ~~available annual tax credits, and 30 percent of any available~~  
12 ~~annual tax credits in excess of \$10 million, for donations~~  
13 ~~made to eligible sponsors for projects other than those that~~  
14 ~~provide homeownership opportunities for low-income or~~  
15 ~~very-low-income households as defined in s. 420.9071(19) and~~  
16 ~~(28). If any reserved annual tax credits remain after the~~  
17 ~~first 6 months of the fiscal year, the office may approve the~~  
18 ~~balance of these available credits for donations made to~~  
19 ~~eligible sponsors for projects that provide homeownership~~  
20 ~~opportunities for low-income or very-low-income households.~~

21       1.3. If, during the first 10 business days of the  
22 state fiscal year, eligible tax credit applications for  
23 projects that provide homeownership opportunities for  
24 low-income or very-low-income households as defined in s.  
25 420.9071(19) and (28) are received for less than the ~~available~~  
26 annual tax credits available for those projects ~~reserved under~~  
27 ~~subparagraph 1.~~, the Office of Tourism, Trade, and Economic  
28 Development shall grant tax credits for those applications and  
29 shall grant remaining tax credits on a first-come,  
30 first-served basis for any subsequent eligible applications  
31 received before the end of the ~~first 6 months of the state~~

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1 fiscal year. If, during the first 10 business days of the  
2 state fiscal year, eligible tax credit applications for  
3 projects that provide homeownership opportunities for  
4 low-income or very-low-income households as defined in s.  
5 420.9071(19) and (28) are received for more than the ~~available~~  
6 annual tax credits available for those projects ~~reserved under~~  
7 ~~subparagraph 1.~~, the office shall grant the tax credits for  
8 the applications as follows:

9 a. If tax credit applications submitted for approved  
10 projects of an eligible sponsor do not exceed \$200,000 in  
11 total, the credits shall be granted in full if the tax credit  
12 applications are approved, ~~subject to subparagraph 1.~~

13 b. If tax credit applications submitted for approved  
14 projects of an eligible sponsor exceed \$200,000 in total, the  
15 amount of tax credits granted under sub-subparagraph a. shall  
16 be subtracted from the amount of available tax credits ~~under~~  
17 ~~subparagraph 1.~~, and the remaining credits shall be granted to  
18 each approved tax credit application on a pro rata basis.

19 ~~c. If, after the first 6 months of the fiscal year,~~  
20 ~~additional credits become available under subparagraph 2., the~~  
21 ~~office shall grant the tax credits by first granting to those~~  
22 ~~who received a pro rata reduction up to the full amount of~~  
23 ~~their request and, if there are remaining credits, granting~~  
24 ~~credits to those who applied on or after the 11th business day~~  
25 ~~of the state fiscal year on a first-come, first-served basis.~~

26 ~~2.4.~~ If, during the first 10 business days of the  
27 state fiscal year, eligible tax credit applications for  
28 projects other than those that provide homeownership  
29 opportunities for low-income or very-low-income households as  
30 defined in s. 420.9071(19) and (28) are received for less than  
31 the ~~available~~ annual tax credits available for those projects

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1 ~~reserved under subparagraph 2.~~, the Office of Tourism, Trade,  
 2 and Economic Development shall grant tax credits for those  
 3 applications and shall grant remaining tax credits on a  
 4 first-come, first-served basis for any subsequent eligible  
 5 applications received before the end of the ~~first 6 months of~~  
 6 ~~the~~ state fiscal year. If, during the first 10 business days  
 7 of the state fiscal year, eligible tax credit applications for  
 8 projects other than those that provide homeownership  
 9 opportunities for low-income or very-low-income households as  
 10 defined in s. 420.9071(19) and (28) are received for more than  
 11 the ~~available~~ annual tax credits available for those projects  
 12 ~~reserved under subparagraph 2.~~, the office shall grant the tax  
 13 credits for those ~~the~~ applications on a pro rata basis. ~~If,~~  
 14 ~~after the first 6 months of the fiscal year, additional~~  
 15 ~~credits become available under subparagraph 1., the office~~  
 16 ~~shall grant the tax credits by first granting to those who~~  
 17 ~~received a pro rata reduction up to the full amount of their~~  
 18 ~~request and, if there are remaining credits, granting credits~~  
 19 ~~to those who applied on or after the 11th business day of the~~  
 20 ~~state fiscal year on a first-come, first-served basis.~~

21 Section 26. Paragraph (b) of subsection (9) of section  
 22 1001.42, Florida Statutes, is amended to read:

23 1001.42 Powers and duties of district school  
 24 board.--The district school board, acting as a board, shall  
 25 exercise all powers and perform all duties listed below:

26 (9) SCHOOL PLANT.--Approve plans for locating,  
 27 planning, constructing, sanitating, insuring, maintaining,  
 28 protecting, and condemning school property as prescribed in  
 29 chapter 1013 and as follows:

30 (b) Sites, buildings, and equipment.--

31 1. Select and purchase school sites, playgrounds, and

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recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of projected students to be accommodated.

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used.

3. Expand existing sites.

4. Rent buildings when necessary.

5. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 1013.15(2), with private individuals or corporations for the rental of necessary grounds and educational facilities for school purposes or of educational facilities to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, "educational facilities" means the buildings and equipment that are built, installed, or established to serve educational purposes and that may lawfully be used. The State Board of Education may adopt such rules as are necessary to implement these provisions.

6. Provide for the proper supervision of construction.

7. Make or contract for additions, alterations, and repairs on buildings and other school properties.

8. Ensure that all plans and specifications for

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1 buildings provide adequately for the safety and well-being of  
2 students, as well as for economy of construction.

3 9. Provide affordable housing for teachers and other  
4 instructional personnel independently or in conjunction with  
5 other agencies as described in s. 1001.43(5).

6 Section 27. (1) The Legislature finds that it is  
7 critical to provide affordable housing to the very-low-income,  
8 low-income, and moderate-income residents of this state.  
9 Furthermore, the Legislature finds that there is a need for a  
10 land-use-based option in order to improve the economic  
11 feasibility of developing affordable housing.

12 (2) By December 1, 2006, the Department of Community  
13 Affairs shall develop a model residential density bonus  
14 ordinance that may be used by local governments to increase  
15 the availability of affordable housing. The model ordinance  
16 must, at a minimum, include:

17 (a) The types of housing developments that would be  
18 eligible to receive a density bonus;

19 (b) The affordability requirements, including measures  
20 to ensure the continued affordability of applicable housing  
21 units;

22 (c) The methodologies used to calculate density  
23 bonuses;

24 (d) The additional incentives and concessions  
25 available to assist developing affordable housing units;

26 (e) The requirements applicable to converting existing  
27 multifamily housing units to condominium units; and

28 (f) The application and review process for density  
29 bonuses.

30 (3) The board of county commissioners of each county  
31 and each municipality shall consider adopting and implementing

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1 the residential density bonus ordinance.

2           Section 28. (1) The sum of \_\_\_\_\_ is  
3 appropriated from the Local Government Housing Trust Fund for  
4 the purpose of implementing this act during the 2006-2007  
5 fiscal year. The sum is distributed to certain counties and  
6 eligible municipalities implementing the programs described in  
7 ss. 420.907-420.9078, Florida Statutes, in which the median  
8 home purchase price of a single-family home is above the state  
9 median sales price of a single-family home, for the benefit of  
10 moderate-income persons who earn up to 140 percent of the  
11 median income.

12           (2) The funding for this act is an amount separate and  
13 distinct from any other appropriation used to fund the  
14 provisions of ss. 420.907-420.9078, Florida Statutes, shall be  
15 awarded using criteria established by the Florida Housing  
16 Finance Corporation in a rule adopted under this section, and  
17 is allocated separate from and notwithstanding the funding  
18 distribution method provided in ss. 420.9072 and 420.9073,  
19 Florida Statutes.

20           (3) For the purpose of implementing the provisions  
21 used to monitor compliance with this act, the corporation may  
22 retain a maximum of one-quarter of 1 percent of the annual  
23 appropriation.

24           (4) To administer this section, the corporation may  
25 adopt emergency rules under s. 120.54, Florida Statutes. The  
26 Legislature finds that emergency rules adopted under this  
27 section meet the health, safety, and welfare requirements of  
28 s. 120.54(4), Florida Statutes. The Legislature finds that the  
29 emergency rulemaking power is necessary for the preservation  
30 of the rights and welfare of the people in order to provide  
31 additional funds to assist those areas of the state in which

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1 addressing the affordability of workforce housing requires  
2 immediate action. Emergency rules adopted under this section  
3 are exempt from s. 120.54(4)(a) and (c), Florida Statutes.

4 Section 29. For the purpose of incorporating the  
5 amendments made by this act to section 201.15, Florida  
6 Statutes, in a reference thereto, subsection (1) of section  
7 161.05301, Florida Statutes, is reenacted to read:

8 161.05301 Beach erosion control project staffing.--

9 (1) There are hereby appropriated to the Department of  
10 Environmental Protection six positions and \$449,918 for fiscal  
11 year 1998-1999 from the Ecosystem Management and Restoration  
12 Trust Fund from revenues provided by this act pursuant to s.  
13 201.15(11). These positions and funding are provided to  
14 assist local project sponsors, and shall be used to facilitate  
15 and promote enhanced beach erosion control project  
16 administration. Such staffing resources shall be directed  
17 toward more efficient contract development and oversight,  
18 promoting cost-sharing strategies and regional coordination or  
19 projects among local governments, providing assistance to  
20 local governments to ensure timely permit review, and  
21 improving billing review and disbursement processes.

22 Section 30. For the purpose of incorporating the  
23 amendments made by this act to section 201.15, Florida  
24 Statutes, in a reference thereto, subsection (3) of section  
25 161.091, Florida Statutes, is reenacted to read:

26 161.091 Beach management; funding; repair and  
27 maintenance strategy.--

28 (3) In accordance with the intent expressed in s.  
29 161.088 and the legislative finding that erosion of the  
30 beaches of this state is detrimental to tourism, the state's  
31 major industry, further exposes the state's highly developed

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1 coastline to severe storm damage, and threatens beach-related  
2 jobs, which, if not stopped, could significantly reduce state  
3 sales tax revenues, funds deposited into the State Treasury to  
4 the credit of the Ecosystem Management and Restoration Trust  
5 Fund, in the annual amounts provided in s. 201.15(11), shall  
6 be used, for a period of not less than 15 years, to fund the  
7 development, implementation, and administration of the state's  
8 beach management plan, as provided in ss. 161.091-161.212,  
9 prior to the use of such funds deposited pursuant to s.  
10 201.15(11) in that trust fund for any other purpose.

11       Section 31. For the purpose of incorporating the  
12 amendments made by this act to section 201.15, Florida  
13 Statutes, in a reference thereto, subsection (3) of section  
14 370.0603, Florida Statutes, is reenacted to read:

15       370.0603 Marine Resources Conservation Trust Fund;  
16 purposes.--

17       (3) Funds provided to the Marine Resources  
18 Conservation Trust Fund from taxes distributed under s.  
19 201.15(11) shall be used for the following purposes:

20       (a) To reimburse the cost of activities authorized  
21 pursuant to the Fish and Wildlife Service of the United States  
22 Department of the Interior. Such facilities must be involved  
23 in the actual rescue and full-time acute care  
24 veterinarian-based rehabilitation of manatees. The cost of  
25 activities includes, but is not limited to, costs associated  
26 with expansion, capital outlay, repair, maintenance, and  
27 operation related to the rescue, treatment, stabilization,  
28 maintenance, release, and monitoring of manatees. Moneys  
29 distributed through the contractual agreement to each facility  
30 for manatee rehabilitation must be proportionate to the number  
31 of manatees under acute care rehabilitation; the number of



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1 maintenance days medically necessary in the facility; and the  
2 number released during the previous fiscal year. The  
3 commission may set a cap on the total amount reimbursed per  
4 manatee per year.

5 (b) For training on the care, treatment, and  
6 rehabilitation of marine mammals at the Whitney Laboratory and  
7 the College of Veterinary Medicine at the University of  
8 Florida.

9 (c) For program administration costs of the agency.

10 (d) Funds not distributed in any 1 fiscal year must be  
11 carried over for distribution in subsequent years.

12 Section 32. For the purpose of incorporating the  
13 amendments made by this act to section 201.15, Florida  
14 Statutes, in a reference thereto, subsections (5) and (6) of  
15 section 420.5092, Florida Statutes, are reenacted to read:

16 420.5092 Florida Affordable Housing Guarantee  
17 Program.--

18 (5) Pursuant to s. 16, Art. VII of the State  
19 Constitution, the corporation may issue, in accordance with s.  
20 420.509, revenue bonds of the corporation to establish the  
21 guarantee fund. Such revenue bonds shall be primarily payable  
22 from and secured by annual debt service reserves, from  
23 interest earned on funds on deposit in the guarantee fund,  
24 from fees, charges, and reimbursements established by the  
25 corporation for the issuance of affordable housing guarantees,  
26 and from any other revenue sources received by the corporation  
27 and deposited by the corporation into the guarantee fund for  
28 the issuance of affordable housing guarantees. To the extent  
29 such primary revenue sources are considered insufficient by  
30 the corporation, pursuant to the certification provided in  
31 subsection (6), to fully fund the annual debt service reserve,

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1 the certified deficiency in such reserve shall be additionally  
2 payable from the first proceeds of the documentary stamp tax  
3 moneys deposited into the State Housing Trust Fund pursuant to  
4 s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal  
5 year.

6 (6)(a) If the primary revenue sources to be used for  
7 repayment of revenue bonds used to establish the guarantee  
8 fund are insufficient for such repayment, the annual principal  
9 and interest due on each series of revenue bonds shall be  
10 payable from funds in the annual debt service reserve. The  
11 corporation shall, before June 1 of each year, perform a  
12 financial audit to determine whether at the end of the state  
13 fiscal year there will be on deposit in the guarantee fund an  
14 annual debt service reserve from interest earned pursuant to  
15 the investment of the guarantee fund, fees, charges, and  
16 reimbursements received from issued affordable housing  
17 guarantees and other revenue sources available to the  
18 corporation. Based upon the findings in such guarantee fund  
19 financial audit, the corporation shall certify to the Chief  
20 Financial Officer the amount of any projected deficiency in  
21 the annual debt service reserve for any series of outstanding  
22 bonds as of the end of the state fiscal year and the amount  
23 necessary to maintain such annual debt service reserve. Upon  
24 receipt of such certification, the Chief Financial Officer  
25 shall transfer to the annual debt service reserve, from the  
26 first available taxes distributed to the State Housing Trust  
27 Fund pursuant to s. 201.15(9)(a) and (10)(a) during the  
28 ensuing state fiscal year, the amount certified as necessary  
29 to maintain the annual debt service reserve.

30 (b) If the claims payment obligations under affordable  
31 housing guarantees from amounts on deposit in the guarantee

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1 fund would cause the claims paying rating assigned to the  
2 guarantee fund to be less than the third-highest rating  
3 classification of any nationally recognized rating service,  
4 which classifications being consistent with s. 215.84(3) and  
5 rules adopted thereto by the State Board of Administration,  
6 the corporation shall certify to the Chief Financial Officer  
7 the amount of such claims payment obligations. Upon receipt of  
8 such certification, the Chief Financial Officer shall transfer  
9 to the guarantee fund, from the first available taxes  
10 distributed to the State Housing Trust Fund pursuant to s.  
11 201.15(9)(a) and (10)(a) during the ensuing state fiscal year,  
12 the amount certified as necessary to meet such obligations,  
13 such transfer to be subordinate to any transfer referenced in  
14 paragraph (a) and not to exceed 50 percent of the amounts  
15 distributed to the State Housing Trust Fund pursuant to s.  
16 201.15(9)(a) and (10)(a) during the preceding state fiscal  
17 year.

18       Section 33. For the purpose of incorporating the  
19 amendments made by this act to section 201.15, Florida  
20 Statutes, in a reference thereto, section 420.9073, Florida  
21 Statutes, is reenacted to read:

22           420.9073 Local housing distributions.--

23           (1) Distributions calculated in this section shall be  
24 disbursed on a monthly basis by the corporation beginning the  
25 first day of the month after program approval pursuant to s.  
26 420.9072. Each county's share of the funds to be distributed  
27 from the portion of the funds in the Local Government Housing  
28 Trust Fund received pursuant to s. 201.15(9) shall be  
29 calculated by the corporation for each fiscal year as follows:

30           (a) Each county other than a county that has  
31 implemented the provisions of chapter 83-220, Laws of Florida,

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as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(9) reduced by the guaranteed amount paid to all counties.

(2) Effective July 1, 1995, distributions calculated in this section shall be disbursed on a monthly basis by the corporation beginning the first day of the month after program approval pursuant to s. 420.9072. Each county's share of the funds to be distributed from the portion of the funds in the

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1 Local Government Housing Trust Fund received pursuant to s.  
2 201.15(10) shall be calculated by the corporation for each  
3 fiscal year as follows:

4 (a) Each county shall receive the guaranteed amount  
5 for each fiscal year.

6 (b) Each county may receive an additional share  
7 calculated as follows:

8 1. Multiply each county's percentage of the total  
9 state population, by the total funds to be distributed.

10 2. If the result in subparagraph 1. is less than the  
11 guaranteed amount as determined in subsection (3), that  
12 county's additional share shall be zero.

13 3. For each county in which the result in subparagraph  
14 1. is greater than the guaranteed amount, the amount  
15 calculated in subparagraph 1. shall be reduced by the  
16 guaranteed amount. The result for each such county shall be  
17 expressed as a percentage of the amounts so determined for all  
18 counties. Each such county shall receive an additional share  
19 equal to this percentage multiplied by the total funds  
20 received by the Local Government Housing Trust Fund pursuant  
21 to s. 201.15(10) as reduced by the guaranteed amount paid to  
22 all counties.

23 (3) Calculation of guaranteed amounts:

24 (a) The guaranteed amount under subsection (1) shall  
25 be calculated for each state fiscal year by multiplying  
26 \$350,000 by a fraction, the numerator of which is the amount  
27 of funds distributed to the Local Government Housing Trust  
28 Fund pursuant to s. 201.15(9) and the denominator of which is  
29 the total amount of funds distributed to the Local Government  
30 Housing Trust Fund pursuant to s. 201.15.

31 (b) The guaranteed amount under subsection (2) shall

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1 be calculated for each state fiscal year by multiplying  
2 \$350,000 by a fraction, the numerator of which is the amount  
3 of funds distributed to the Local Government Housing Trust  
4 Fund pursuant to s. 201.15(10) and the denominator of which is  
5 the total amount of funds distributed to the Local Government  
6 Housing Trust Fund pursuant to s. 201.15.

7 (4) Funds distributed pursuant to this section may not  
8 be pledged to pay debt service on any bonds.

9 Section 34. For the purpose of incorporating the  
10 amendments made by this act to section 201.15, Florida  
11 Statutes, in a reference thereto, subsection (7) of section  
12 1013.64, Florida Statutes, is reenacted to read:

13 1013.64 Funds for comprehensive educational plant  
14 needs; construction cost maximums for school district capital  
15 projects.--Allocations from the Public Education Capital  
16 Outlay and Debt Service Trust Fund to the various boards for  
17 capital outlay projects shall be determined as follows:

18 (7) Moneys distributed to the Public Education Capital  
19 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)  
20 to fund the Classrooms for Kids Program created in s. 1013.735  
21 and the High Growth County District Capital Outlay Assistance  
22 Grant Program created in s. 1013.738 shall be distributed as  
23 provided by those sections.

24 Section 35. For the purpose of incorporating the  
25 amendments made by this act to section 201.15, Florida  
26 Statutes, in a reference thereto, subsection (4) of section  
27 1013.738, Florida Statutes, is reenacted to read:

28 1013.738 High Growth District Capital Outlay  
29 Assistance Grant Program.--

30 (4) Moneys distributed to the Public Education Capital  
31 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)

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for the High Growth District Capital Outlay Assistance Grant  
Program created in this section shall be distributed as  
provided by this section.

Section 36. Subsection (2) of section 163.31771,  
Florida Statutes, is amended to read:

163.31771 Accessory dwelling units.--

(2) As used in this section, the term:

(a) "Accessory dwelling unit" means an ancillary or  
secondary living unit, that has a separate kitchen, bathroom,  
and sleeping area, existing either within the same structure,  
or on the same lot, as the primary dwelling unit.

(b) "Affordable rental" means that monthly rent and  
utilities do not exceed 30 percent of that amount which  
represents the percentage of the median adjusted gross annual  
income for very-low-income, low-income, or moderate-income  
persons.

(c) "Local government" means a county or municipality.

(d) "Low-income persons" has the same meaning as in s.  
420.0004(10) ~~s. 420.0004(9)~~.

(e) "Moderate-income persons" has the same meaning as  
in s. 420.0004(11) ~~s. 420.0004(10)~~.

(f) "Very-low-income persons" has the same meaning as  
in s. 420.0004(15) ~~s. 420.0004(14)~~.

Section 37. Section 196.1978, Florida Statutes, is  
amended to read:

196.1978 Affordable housing property  
exemption.--Property used to provide affordable housing  
serving eligible persons as defined by s. 159.603(7) and  
persons meeting income limits specified in s. 420.0004(10) ~~s.~~  
~~420.0004(9)~~, (11) ~~(10)~~, and (15) ~~(14)~~, which property is owned  
entirely by a nonprofit entity which is qualified as

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1 charitable under s. 501(c)(3) of the Internal Revenue Code and  
 2 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall  
 3 be considered property owned by an exempt entity and used for  
 4 a charitable purpose, and those portions of the affordable  
 5 housing property which provide housing to individuals with  
 6 incomes as defined in s. 420.0004(10)(9) and (15)(14) shall be  
 7 exempt from ad valorem taxation to the extent authorized in s.  
 8 196.196. All property identified in this section shall comply  
 9 with the criteria for determination of exempt status to be  
 10 applied by property appraisers on an annual basis as defined  
 11 in s. 196.195. The Legislature intends that any property owned  
 12 by a limited liability company which is disregarded as an  
 13 entity for federal income tax purposes pursuant to Treasury  
 14 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by  
 15 its sole member.

16 Section 38. Paragraphs (o) and (q) of subsection (5)  
 17 of section 212.08, Florida Statutes, are amended to read:

18 212.08 Sales, rental, use, consumption, distribution,  
 19 and storage tax; specified exemptions.--The sale at retail,  
 20 the rental, the use, the consumption, the distribution, and  
 21 the storage to be used or consumed in this state of the  
 22 following are hereby specifically exempt from the tax imposed  
 23 by this chapter.

24 (5) EXEMPTIONS; ACCOUNT OF USE.--

25 (o) Building materials in redevelopment projects.--

26 1. As used in this paragraph, the term:

27 a. "Building materials" means tangible personal  
 28 property that becomes a component part of a housing project or  
 29 a mixed-use project.

30 b. "Housing project" means the conversion of an  
 31 existing manufacturing or industrial building to housing units



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1 in an urban high-crime area, enterprise zone, empowerment  
2 zone, Front Porch Community, designated brownfield area, or  
3 urban infill area and in which the developer agrees to set  
4 aside at least 20 percent of the housing units in the project  
5 for low-income and moderate-income persons or the construction  
6 in a designated brownfield area of affordable housing for  
7 persons described in s. 420.0004(10), (11), or (15) ~~s.~~  
8 ~~420.0004(9), (10), or (14)~~, or in s. 159.603(7).

9 c. "Mixed-use project" means the conversion of an  
10 existing manufacturing or industrial building to mixed-use  
11 units that include artists' studios, art and entertainment  
12 services, or other compatible uses. A mixed-use project must  
13 be located in an urban high-crime area, enterprise zone,  
14 empowerment zone, Front Porch Community, designated brownfield  
15 area, or urban infill area, and the developer must agree to  
16 set aside at least 20 percent of the square footage of the  
17 project for low-income and moderate-income housing.

18 d. "Substantially completed" has the same meaning as  
19 provided in s. 192.042(1).

20 2. Building materials used in the construction of a  
21 housing project or mixed-use project are exempt from the tax  
22 imposed by this chapter upon an affirmative showing to the  
23 satisfaction of the department that the requirements of this  
24 paragraph have been met. This exemption inures to the owner  
25 through a refund of previously paid taxes. To receive this  
26 refund, the owner must file an application under oath with the  
27 department which includes:

- 28 a. The name and address of the owner.
- 29 b. The address and assessment roll parcel number of  
30 the project for which a refund is sought.

31 c. A copy of the building permit issued for the

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1 project.

2 d. A certification by the local building code  
3 inspector that the project is substantially completed.

4 e. A sworn statement, under penalty of perjury, from  
5 the general contractor licensed in this state with whom the  
6 owner contracted to construct the project, which statement  
7 lists the building materials used in the construction of the  
8 project and the actual cost thereof, and the amount of sales  
9 tax paid on these materials. If a general contractor was not  
10 used, the owner shall provide this information in a sworn  
11 statement, under penalty of perjury. Copies of invoices  
12 evidencing payment of sales tax must be attached to the sworn  
13 statement.

14 3. An application for a refund under this paragraph  
15 must be submitted to the department within 6 months after the  
16 date the project is deemed to be substantially completed by  
17 the local building code inspector. Within 30 working days  
18 after receipt of the application, the department shall  
19 determine if it meets the requirements of this paragraph. A  
20 refund approved pursuant to this paragraph shall be made  
21 within 30 days after formal approval of the application by the  
22 department. The provisions of s. 212.095 do not apply to any  
23 refund application made under this paragraph.

24 4. The department shall establish by rule an  
25 application form and criteria for establishing eligibility for  
26 exemption under this paragraph.

27 5. The exemption shall apply to purchases of materials  
28 on or after July 1, 2000.

29 (q) Community contribution tax credit for donations.--

30 1. Authorization.--Beginning July 1, 2001, persons who  
31 are registered with the department under s. 212.18 to collect

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- 1 or remit sales or use tax and who make donations to eligible
- 2 sponsors are eligible for tax credits against their state
- 3 sales and use tax liabilities as provided in this paragraph:
- 4       a. The credit shall be computed as 50 percent of the
- 5 person's approved annual community contribution;
- 6       b. The credit shall be granted as a refund against
- 7 state sales and use taxes reported on returns and remitted in
- 8 the 12 months preceding the date of application to the
- 9 department for the credit as required in sub-subparagraph 3.c.
- 10 If the annual credit is not fully used through such refund
- 11 because of insufficient tax payments during the applicable
- 12 12-month period, the unused amount may be included in an
- 13 application for a refund made pursuant to sub-subparagraph
- 14 3.c. in subsequent years against the total tax payments made
- 15 for such year. Carryover credits may be applied for a 3-year
- 16 period without regard to any time limitation that would
- 17 otherwise apply under s. 215.26;
- 18       c. A person may not receive more than \$200,000 in
- 19 annual tax credits for all approved community contributions
- 20 made in any one year;
- 21       d. All proposals for the granting of the tax credit
- 22 require the prior approval of the Office of Tourism, Trade,
- 23 and Economic Development;
- 24       e. The total amount of tax credits which may be
- 25 granted for all programs approved under this paragraph, s.
- 26 220.183, and s. 624.5105 is \$8 ~~\$12~~ million annually for
- 27 projects that provide homeownership opportunities for
- 28 low-income or very-low-income households as defined in s.
- 29 420.9071(19) and (28), and \$4 million annually for all other
- 30 projects; and
- 31       f. A person who is eligible to receive the credit

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1 provided for in this paragraph, s. 220.183, or s. 624.5105 may  
2 receive the credit only under the one section of the person's  
3 choice.

4 2. Eligibility requirements.--

5 a. A community contribution by a person must be in the  
6 following form:

7 (I) Cash or other liquid assets;

8 (II) Real property;

9 (III) Goods or inventory; or

10 (IV) Other physical resources as identified by the  
11 Office of Tourism, Trade, and Economic Development.

12 b. All community contributions must be reserved  
13 exclusively for use in a project. As used in this  
14 sub-subparagraph, the term "project" means any activity  
15 undertaken by an eligible sponsor which is designed to  
16 construct, improve, or substantially rehabilitate housing that  
17 is affordable to low-income or very-low-income households as  
18 defined in s. 420.9071(19) and (28); designed to provide  
19 commercial, industrial, or public resources and facilities; or  
20 designed to improve entrepreneurial and job-development  
21 opportunities for low-income persons. A project may be the  
22 investment necessary to increase access to high-speed  
23 broadband capability in rural communities with enterprise  
24 zones, including projects that result in improvements to  
25 communications assets that are owned by a business. A project  
26 may include the provision of museum educational programs and  
27 materials that are directly related to any project approved  
28 between January 1, 1996, and December 31, 1999, and located in  
29 an enterprise zone designated pursuant to s. 290.0065. This  
30 paragraph does not preclude projects that propose to construct  
31 or rehabilitate housing for low-income or very-low-income

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1 households on scattered sites. With respect to housing,  
 2 contributions may be used to pay the following eligible  
 3 low-income and very-low-income housing-related activities:  
 4 (I) Project development impact and management fees for  
 5 low-income or very-low-income housing projects;  
 6 (II) Down payment and closing costs for eligible  
 7 persons, as defined in s. 420.9071(19) and (28);  
 8 (III) Administrative costs, including housing  
 9 counseling and marketing fees, not to exceed 10 percent of the  
 10 community contribution, directly related to low-income or  
 11 very-low-income projects; and  
 12 (IV) Removal of liens recorded against residential  
 13 property by municipal, county, or special district local  
 14 governments when satisfaction of the lien is a necessary  
 15 precedent to the transfer of the property to an eligible  
 16 person, as defined in s. 420.9071(19) and (28), for the  
 17 purpose of promoting home ownership. Contributions for lien  
 18 removal must be received from a nonrelated third party.  
 19 c. The project must be undertaken by an "eligible  
 20 sponsor," which includes:  
 21 (I) A community action program;  
 22 (II) A nonprofit community-based development  
 23 organization whose mission is the provision of housing for  
 24 low-income or very-low-income households or increasing  
 25 entrepreneurial and job-development opportunities for  
 26 low-income persons;  
 27 (III) A neighborhood housing services corporation;  
 28 (IV) A local housing authority created under chapter  
 29 421;  
 30 (V) A community redevelopment agency created under s.  
 31 163.356;

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1 (VI) The Florida Industrial Development Corporation;

2 (VII) A historic preservation district agency or  
3 organization;

4 (VIII) A regional workforce board;

5 (IX) A direct-support organization as provided in s.  
6 1009.983;

7 (X) An enterprise zone development agency created  
8 under s. 290.0056;

9 (XI) A community-based organization incorporated under  
10 chapter 617 which is recognized as educational, charitable, or  
11 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
12 Code and whose bylaws and articles of incorporation include  
13 affordable housing, economic development, or community  
14 development as the primary mission of the corporation;

15 (XII) Units of local government;

16 (XIII) Units of state government; or

17 (XIV) Any other agency that the Office of Tourism,  
18 Trade, and Economic Development designates by rule.

19

20 In no event may a contributing person have a financial  
21 interest in the eligible sponsor.

22 d. The project must be located in an area designated  
23 an enterprise zone or a Front Porch Florida Community pursuant  
24 to s. 20.18(6), unless the project increases access to  
25 high-speed broadband capability for rural communities with  
26 enterprise zones but is physically located outside the  
27 designated rural zone boundaries. Any project designed to  
28 construct or rehabilitate housing for low-income or  
29 very-low-income households as defined in s. 420.0971(19) and  
30 (28) is exempt from the area requirement of this  
31 sub-subparagraph.

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1           ~~e.(I) For the first 6 months of the fiscal year, the~~  
2 ~~Office of Tourism, Trade, and Economic Development shall~~  
3 ~~reserve 80 percent of the first \$10 million in available~~  
4 ~~annual tax credits and 70 percent of any available annual tax~~  
5 ~~credits in excess of \$10 million for donations made to~~  
6 ~~eligible sponsors for projects that provide homeownership~~  
7 ~~opportunities for low-income or very-low-income households as~~  
8 ~~defined in s. 420.9071(19) and (28). If any such reserved~~  
9 ~~annual tax credits remain after the first 6 months of the~~  
10 ~~fiscal year, the office may approve the balance of these~~  
11 ~~available credits for donations made to eligible sponsors for~~  
12 ~~projects other than those that provide homeownership~~  
13 ~~opportunities for low-income or very-low-income households.~~

14           ~~(II) For the first 6 months of the fiscal year, the~~  
15 ~~office shall reserve 20 percent of the first \$10 million in~~  
16 ~~available annual tax credits and 30 percent of any available~~  
17 ~~annual tax credits in excess of \$10 million for donations made~~  
18 ~~to eligible sponsors for projects other than those that~~  
19 ~~provide homeownership opportunities for low-income or~~  
20 ~~very-low-income households as defined in s. 420.9071(19) and~~  
21 ~~(28). If any reserved annual tax credits remain after the~~  
22 ~~first 6 months of the fiscal year, the office may approve the~~  
23 ~~balance of these available credits for donations made to~~  
24 ~~eligible sponsors for projects that provide homeownership~~  
25 ~~opportunities for low-income or very-low-income households.~~

26           ~~(I)(III)~~ If, during the first 10 business days of the  
27 state fiscal year, eligible tax credit applications for  
28 projects that provide homeownership opportunities for  
29 low-income or very-low-income households as defined in s.  
30 420.9071(19) and (28) are received for less than the ~~available~~  
31 annual tax credits available for those projects ~~reserved under~~

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1 ~~sub-sub-subparagraph (I)~~, the Office of Tourism, Trade, and  
2 Economic Development shall grant tax credits for those  
3 applications and shall grant remaining tax credits on a  
4 first-come, first-served basis for any subsequent eligible  
5 applications received before the end of the ~~first 6 months of~~  
6 ~~the~~ state fiscal year. If, during the first 10 business days  
7 of the state fiscal year, eligible tax credit applications for  
8 projects that provide homeownership opportunities for  
9 low-income or very-low-income households as defined in s.  
10 420.9071(19) and (28) are received for more than the ~~available~~  
11 annual tax credits available for those projects ~~reserved under~~  
12 ~~sub-sub-subparagraph (I)~~, the office shall grant the tax  
13 credits for those ~~the~~ applications as follows:

14 (A) If tax credit applications submitted for approved  
15 projects of an eligible sponsor do not exceed \$200,000 in  
16 total, the credits shall be granted in full if the tax credit  
17 applications are approved, ~~subject to sub-sub-subparagraph~~  
18 ~~(I)~~.

19 (B) If tax credit applications submitted for approved  
20 projects of an eligible sponsor exceed \$200,000 in total, the  
21 amount of tax credits granted pursuant to  
22 sub-sub-sub-subparagraph (A) shall be subtracted from the  
23 amount of available tax credits ~~under sub-sub-subparagraph~~  
24 ~~(I)~~, and the remaining credits shall be granted to each  
25 approved tax credit application on a pro rata basis.

26 ~~(C) If, after the first 6 months of the fiscal year,~~  
27 ~~additional credits become available under sub-sub-subparagraph~~  
28 ~~(II), the office shall grant the tax credits by first granting~~  
29 ~~to those who received a pro rata reduction up to the full~~  
30 ~~amount of their request and, if there are remaining credits,~~  
31 ~~granting credits to those who applied on or after the 11th~~



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~~business day of the state fiscal year on a first-come,  
first-served basis.~~

(II)(IV) If, during the first 10 business days of the  
state fiscal year, eligible tax credit applications for  
projects other than those that provide homeownership  
opportunities for low-income or very-low-income households as  
defined in s. 420.9071(19) and (28) are received for less than  
the ~~available~~ annual tax credits available for those projects  
~~reserved under sub-sub-subparagraph (II)~~, the Office of  
Tourism, Trade, and Economic Development shall grant tax  
credits for those applications and shall grant remaining tax  
credits on a first-come, first-served basis for any subsequent  
eligible applications received before the end of the ~~first 6~~  
~~months of the~~ state fiscal year. If, during the first 10  
business days of the state fiscal year, eligible tax credit  
applications for projects other than those that provide  
homeownership opportunities for low-income or very-low-income  
households as defined in s. 420.9071(19) and (28) are received  
for more than the ~~available~~ annual tax credits available for  
those projects ~~reserved under sub-sub-subparagraph (II)~~, the  
office shall grant the tax credits for the applications on a  
pro rata basis. ~~If, after the first 6 months of the fiscal~~  
~~year, additional credits become available under~~  
~~sub-sub-subparagraph (I), the office shall grant the tax~~  
~~credits by first granting to those who received a pro rata~~  
~~reduction up to the full amount of their request and, if there~~  
~~are remaining credits, granting credits to those who applied~~  
~~on or after the 11th business day of the state fiscal year on~~  
~~a first-come, first-served basis.~~

3. Application requirements.--

a. Any eligible sponsor seeking to participate in this

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1 program must submit a proposal to the Office of Tourism,  
2 Trade, and Economic Development which sets forth the name of  
3 the sponsor, a description of the project, and the area in  
4 which the project is located, together with such supporting  
5 information as is prescribed by rule. The proposal must also  
6 contain a resolution from the local governmental unit in which  
7 the project is located certifying that the project is  
8 consistent with local plans and regulations.

9       b. Any person seeking to participate in this program  
10 must submit an application for tax credit to the Office of  
11 Tourism, Trade, and Economic Development which sets forth the  
12 name of the sponsor, a description of the project, and the  
13 type, value, and purpose of the contribution. The sponsor  
14 shall verify the terms of the application and indicate its  
15 receipt of the contribution, which verification must be in  
16 writing and accompany the application for tax credit. The  
17 person must submit a separate tax credit application to the  
18 office for each individual contribution that it makes to each  
19 individual project.

20       c. Any person who has received notification from the  
21 Office of Tourism, Trade, and Economic Development that a tax  
22 credit has been approved must apply to the department to  
23 receive the refund. Application must be made on the form  
24 prescribed for claiming refunds of sales and use taxes and be  
25 accompanied by a copy of the notification. A person may submit  
26 only one application for refund to the department within any  
27 12-month period.

28       4. Administration.--

29       a. The Office of Tourism, Trade, and Economic  
30 Development may adopt rules pursuant to ss. 120.536(1) and  
31 120.54 necessary to administer this paragraph, including rules

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for the approval or disapproval of proposals by a person.

b. The decision of the Office of Tourism, Trade, and Economic Development must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.--This paragraph expires June 30, 2015; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 39. For the purpose of incorporating the amendments made by this act to section 420.5087, Florida Statutes, in a reference thereto, subsection (19) of section 420.503, Florida Statutes, is reenacted to read:

420.503 Definitions.--As used in this part, the term:

(19) "Housing for the elderly" means, for purposes of s. 420.5087(3)(d), any nonprofit housing community that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s.

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1 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.  
2 236 of the National Housing Act, as amended, and that is  
3 subject to income limitations established by the United States  
4 Department of Housing and Urban Development, or any program  
5 funded by the Rural Development Agency of the United States  
6 Department of Agriculture and subject to income limitations  
7 established by the United States Department of Agriculture. A  
8 project which qualifies for an exemption under the Fair  
9 Housing Act as housing for older persons as defined by s.  
10 760.29(4) shall qualify as housing for the elderly for  
11 purposes of s. 420.5087(3)(d) and for purposes of any loans  
12 made pursuant to s. 420.508. In addition, if the corporation  
13 adopts a qualified allocation plan pursuant to s. 42(m)(1)(B)  
14 of the Internal Revenue Code or any other rules that  
15 prioritize projects targeting the elderly for purposes of  
16 allocating tax credits pursuant to s. 420.5099 or for purposes  
17 of the HOME program under s. 420.5089, a project which  
18 qualifies for an exemption under the Fair Housing Act as  
19 housing for older persons as defined by s. 760.29(4) shall  
20 qualify as a project targeted for the elderly, if the project  
21 satisfies the other requirements set forth in this part.

22 Section 40. For the purpose of incorporating the  
23 amendments made by this act to section 420.5088, Florida  
24 Statutes, in a reference thereto, section 420.5061, Florida  
25 Statutes, is reenacted to read:

26 420.5061 Transfer of agency assets and  
27 liabilities.--Effective January 1, 1998, all assets and  
28 liabilities and rights and obligations, including any  
29 outstanding contractual obligations, of the agency shall be  
30 transferred to the corporation as legal successor in all  
31 respects to the agency. The corporation shall thereupon become

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1 obligated to the same extent as the agency under any existing  
 2 agreements and be entitled to any rights and remedies  
 3 previously afforded the agency by law or contract, including  
 4 specifically the rights of the agency under chapter 201 and  
 5 part VI of chapter 159. The corporation is a state agency for  
 6 purposes of s. 159.807(4)(a). Effective January 1, 1998, all  
 7 references under Florida law to the agency are deemed to mean  
 8 the corporation. The corporation shall transfer to the General  
 9 Revenue Fund an amount which otherwise would have been  
 10 deducted as a service charge pursuant to s. 215.20(1) if the  
 11 Florida Housing Finance Corporation Fund established by s.  
 12 420.508(5), the State Apartment Incentive Loan Fund  
 13 established by s. 420.5087(7), the Florida Homeownership  
 14 Assistance Fund established by s. 420.5088(5), the HOME  
 15 Investment Partnership Fund established by s. 420.5089(1), and  
 16 the Housing Predevelopment Loan Fund established by s.  
 17 420.525(1) were each trust funds. For purposes of s. 112.313,  
 18 the corporation is deemed to be a continuation of the agency,  
 19 and the provisions thereof are deemed to apply as if the same  
 20 entity remained in place. Any employees of the agency and  
 21 agency board members covered by s. 112.313(9)(a)6. shall  
 22 continue to be entitled to the exemption in that subparagraph,  
 23 notwithstanding being hired by the corporation or appointed as  
 24 board members of the corporation. Effective January 1, 1998,  
 25 all state property in use by the agency shall be transferred  
 26 to and become the property of the corporation.

27       Section 41. For the purpose of incorporating the  
 28 amendments made by this act to section 420.9075, Florida  
 29 Statutes, in a reference thereto, subsection (25) of section  
 30 420.9071, Florida Statutes, is reenacted to read:

31       420.9071 Definitions.--As used in ss.

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1 420.907-420.9079, the term:

2 (25) "Recaptured funds" means funds that are recouped  
3 by a county or eligible municipality in accordance with the  
4 recapture provisions of its local housing assistance plan  
5 pursuant to s. 420.9075(4)(g) from eligible persons or  
6 eligible sponsors who default on the terms of a grant award or  
7 loan award.

8 Section 42. For the purpose of incorporating the  
9 amendments made by this act to section 723.083, Florida  
10 Statutes, in a reference thereto, subsection (3) of section  
11 723.061, Florida Statutes, is reenacted to read:

12 723.061 Eviction; grounds, proceedings.--

13 (3) The provisions of s. 723.083 shall not be  
14 applicable to any park where the provisions of this subsection  
15 apply.

16 Section 43. Sections 420.37 and 420.530, Florida  
17 Statutes, are repealed.

18 Section 44. Section 723.083, Florida Statutes, is  
19 amended to read:

20 723.083 Governmental action affecting removal of  
21 mobile home owners.--An ~~No~~ agency of municipal, local, county,  
22 or state government may not ~~shall~~ approve any application for  
23 rezoning, or take any other official action, which would  
24 result in the removal or relocation of mobile home owners  
25 residing in a mobile home park without first determining that  
26 adequate mobile home parks or other suitable facilities exist  
27 for the relocation of the mobile home owners. If the  
28 governmental entity determines that adequate mobile home parks  
29 or other suitable facilities do not exist in the area where  
30 the mobile home park is located, mobile home parks shall be a  
31 permissible use in all land use categories in the applicable

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1 local government's comprehensive plan and zoning districts,  
2 except those districts designated as preservation or  
3 conservation land on the future land use map or by local  
4 ordinance.

5       Section 45. The Department of Community Affairs shall  
6 establish the Home Retrofit Hardening Program. The program is  
7 a competitive grant program to fund improvements to homes  
8 constructed before the implementation of the current Florida  
9 Building Code when the improvements will directly affect the  
10 ability of the home to withstand hurricane force winds and  
11 improve the home's rating for home insurance. Site-built and  
12 mobile homes are eligible for funding under this program.  
13 However, priority shall be given to low-income homeowners, as  
14 defined in s. 420.004(9), Florida Statutes, who live in  
15 wind-borne debris regions as defined in the Florida Building  
16 Code.

17       (1) The program shall be administered by local  
18 governments, regional planning councils, or private nonprofit  
19 agencies under the overall direction of the department.

20 Funding for the program is contingent upon appropriations.  
21 When awarding program funds, the department shall be guided  
22 by:

23       (a) The number of homes in need of improvement.

24       (b) The number of homes located within the wind-borne  
25 debris region.

26       (c) The number of persons who will benefit from the  
27 improvements.

28       (d) The number of low-income households who will  
29 benefit from the improvements.

30       (e) The costs per home to provide improvements.

31       (2) Funds may be used for the following improvements

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installed in compliance with Blueprint-for-Safety standards:

- a. Roof deck attachment;
- b. Secondary water barrier;
- c. Roof covering;
- d. Brace gable ends;
- e. Reinforce roof-to-wall connections;
- f. Opening protection; and
- g. Exterior doors.

(3) Each project grant for an individual home retrofit may not exceed \$10,000.

(4) Administrative costs shall be kept to a minimum and may not exceed 5 percent of the program funding.

(5) Grantees are encouraged to leverage grant funds available under this program with other available funds. Matching funds for a project is not a requirement. However, matching funds from other available sources may be considered by the department in the competitive-review process.

Section 46. (1) The Florida Housing Finance Corporation may provide funds to eligible entities for affordable housing recovery in those counties that were declared eligible for disaster funding after the hurricanes of 2004 and 2005, and that sustained housing damage due to those storms. The Florida Housing Finance Corporation shall use data provided by the Federal Emergency Management Agency to assist in its allocation of funds to local jurisdictions. Funds available are contingent upon appropriations and shall be provided to fund the hurricane housing recovery program, the farmworker housing recovery and the special housing assistance and development programs, the Florida Housing and Finance Corporation for the purpose of providing technical and training assistance, and to the Rental Recovery Loan Program.



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1 To administer these programs, the Florida Housing Finance  
2 Corporation shall be guided by the "Hurricane Housing Work  
3 Group Recommendations to Assist in Florida's Long-Term Housing  
4 Recovery Efforts," dated February 16, 2005.

5 (2) The Florida Housing Finance Corporation may adopt  
6 emergency rules pursuant to s. 120.54, Florida Statutes, to  
7 administer these programs. The Legislature finds that  
8 emergency rules adopted under this section meet the health,  
9 safety, and welfare requirements of s. 120.54(4), Florida  
10 Statutes, and that such emergency rulemaking power is  
11 necessary for the preservation of the rights and welfare of  
12 the people to provide additional funds to assist in those  
13 counties that were declared eligible for disaster funding  
14 pursuant to the hurricanes of 2004 and 2005, and that  
15 sustained housing damage due to the storms. Therefore, in  
16 adopting the emergency rules, the corporation need not make  
17 the findings required by s. 120.54(4)(a), Florida Statutes.  
18 Emergency rules adopted under this section are exempt from s.  
19 120.54(4)(c), Florida Statutes.

20 Section 47. The sum of \_\_\_\_\_ is  
21 appropriated from the Local Government Housing Trust Fund to  
22 the Florida Housing Finance Corporation for the purpose of  
23 assisting in the production of housing units for  
24 extremely-low-income persons during the 2006-2007 fiscal year.

25 Section 48. Except as otherwise expressly provided in  
26 this act, this act shall take effect July 1, 2006.

31